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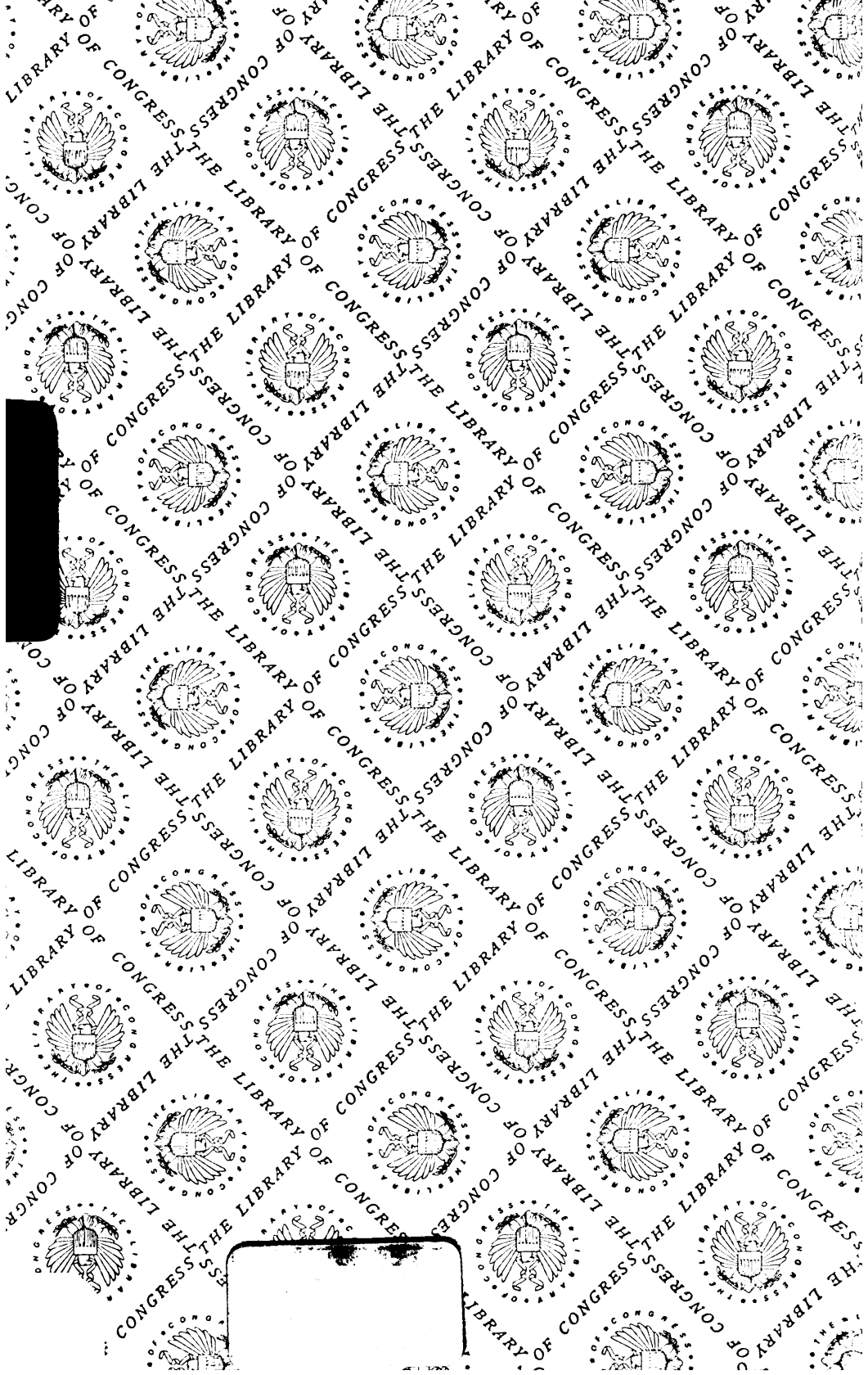
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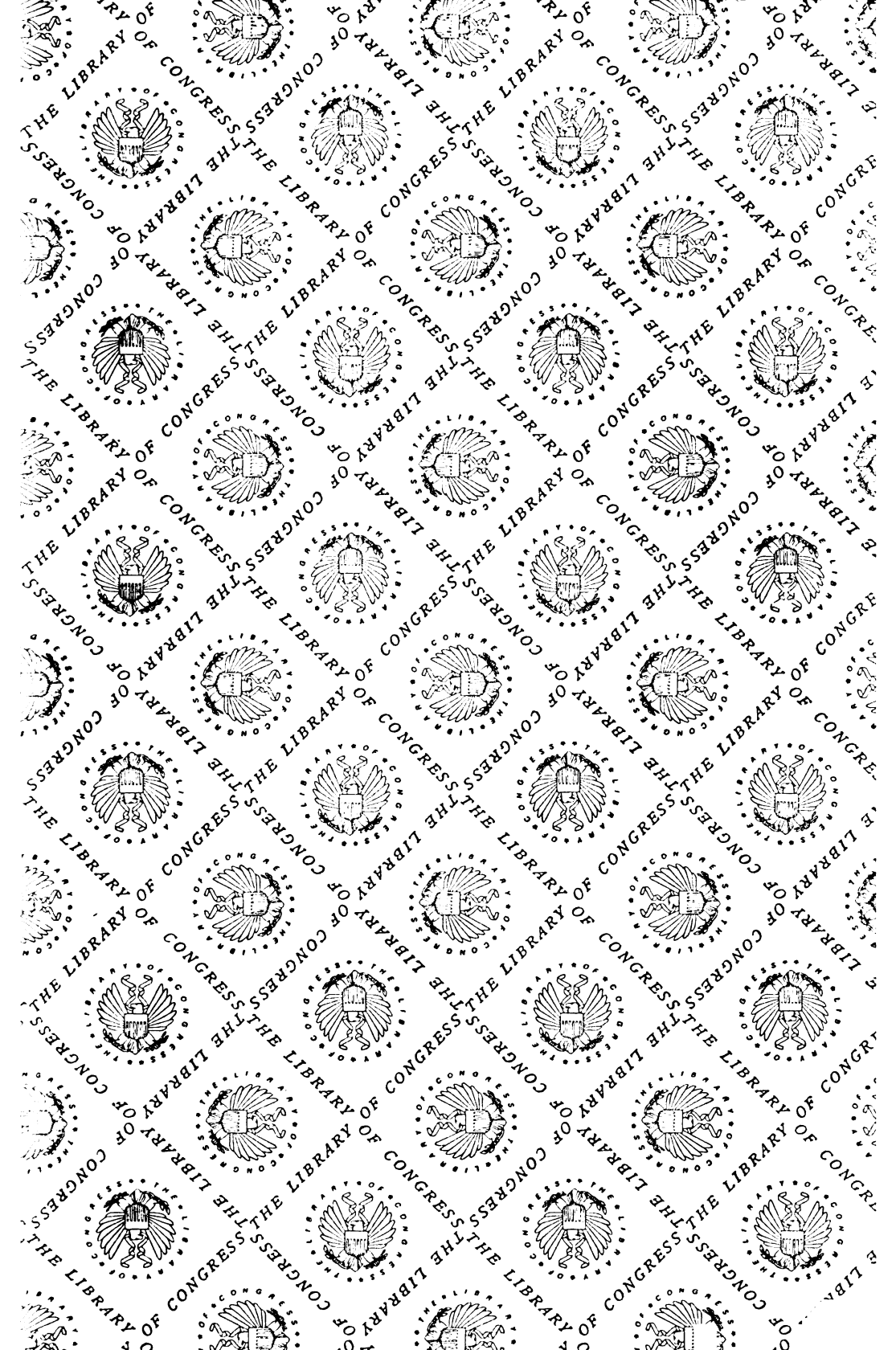
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HEARINGS

BEFORE THE

424

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OF THE

HOUSE OF REPRESENTATIVES

ON

HOUSE BILLS 47, 145, 440, 10699, 12316, 12478, AND 12615,
PROPOSING TO EXTEND THE TIME FOR WHICH
CATTLE AND OTHER ANIMALS MAY BE CON-
FINED DURING SHIPMENT FROM
ONE STATE TO ANOTHER.

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PROPOSED AMENDMENT OF THE TWENTY-EIGHT HOUR LAW RELATING TO THE TRANSPORTATION OF CATTLE.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Tuesday, January 23, 1906.

The committee was called to order at 10.30 o'clock a. m. by the chairman (Hon. W. P. Hepburn) for the consideration of the bills (H. R. 47, H. R. 145, and H. R. 440) proposing to extend the time for which cattle and other animals may be confined during shipment from one State to another.

Present: The chairman, Mr. Sherman, Mr. Wanger, Mr. Mann, Mr. Lovering, Mr. Stevens, Mr. Burke, Mr. Esch, Mr. Cushman, Mr. Townsend, Mr. Gaines, of West Virginia; Mr. Kennedy, Mr. Davey, Mr. Adamson, Mr. Ryan, Mr. Richardson, of Alabama, and Mr. Bartlett.

Mr. DAVEY. I move to reconsider the motion by which to-day was set apart for an executive session on the rate bill.

The CHAIRMAN. Without objection, gentlemen, that order will be vacated, and we will now take up the various propositions that involve the extension of the time for which animals in transit may be continuously confined upon trains of cars.

Mr. MANN. The first bill to be considered is the first bill in the books which the members of the committee have.

The CHAIRMAN. There are gentlemen here who are the proponents of this bill, or of some measure of the kind, and there are also gentlemen here representing the Humane Society, who desire to be heard in opposition to these bills. We have an hour and twenty minutes' time available. Is there objection to dividing that time between these two interests?

Mr. MANN. I have no objection to dividing the time between the interests, but I think it will probably be necessary to have more time granted to both parties.

The CHAIRMAN. We will proceed to hear those who are in favor of this legislation, then.

Mr. RODENBERG. If it is agreeable to the committee, those who are in favor of this bill would like to have the committee hear a statement from Judge Cowan.

The CHAIRMAN. We shall be glad to hear Judge Cowan. We would like to furnish you with abundant time, but our time is short, and we will ask you to condense your matter as much as possible.

STATEMENT OF S. H. COWAN, ESQ.

Mr. COWAN. Mr. Chairman and gentlemen of the committee, in behalf of the live-stock associations which I represent I thank the committee for the courtesies which they have shown heretofore in all matters we have had to present to you and at this time. My time likewise is short, though it has been longer.

We have come here for the purpose of presenting some arguments, statements of fact, which we believe will show that the present limitations placed by the statutes of the United States on the time in which live stock may remain in the cars should be extended from twenty-eight hours to at least thirty-six hours.

Knowing the difficulty in the way of securing legislation in Congress—not the difficulty in securing members to do their duty, but in informing the committees and Congress of the facts upon which they are to act, and of the difficulty in meeting objections which are made by those opposed to the measure—we have taken some pains in the matter and have undertaken to secure something to present to you that would furnish at once a larger volume of testimony on the subject and at the same time avoid the necessity of bringing before you a great number of witnesses to duplicate the statement of the same facts. To that end we have secured memorials which set forth, somewhat in detail, the grounds upon which the amendment to the law is sought, to be sent to the principal shippers throughout the entire western part of the country, west of the Mississippi River and to some extent east thereof, and they have signed those memorials, stating their post-offices, where they live, and the amount of business that they are doing. There are some 6,000 of those memorials, which I have here, to present at such time as the committee shall desire in evidence of the judgment and desire of the stock shippers of the country to have this law amended. Embraced within those memorials are the signatures and recommendations of members of live-stock commission companies, who know as much about this subject as anybody can know.

We have taken occasion to make inquiry of the packing houses, who kill the animals, and see the meat and sell it and handle it, and who have ocular demonstration to prove the facts which we here assert.

Those memorials are from twenty-two or twenty-three different States. It will be unnecessary for me, of course, to name them, as they can be handed to the stenographer to be embodied in my remarks.

(The States referred to are as follows:

Arizona, Arkansas, California, Colorado, Idaho, Indian Territory, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Washington, and Wisconsin.)

Resolutions have been passed upon this subject by all of the live-stock associations of the West at their annual meetings from year to year for several years; I believe entirely unanimously. These meetings have usually been meetings where everybody who saw fit to participate and come in did so, and at which thousands of persons engaged in the business were present, from various States, and in

which hundreds of smaller State organizations were represented. A number of gentlemen are here who will vouch for the statement which I make.

The sanitary boards of the various States held a meeting at St. Paul—a national meeting of the State sanitary boards, a year ago—and they passed a resolution indorsing it.

My personal knowledge is that the inspectors for the United States Government located in our part of the country indorse the proposition to extend the time. The demand, I will say, is practically universal among the live-stock interests of the West. There are a few exceptions, undoubtedly, but I know of very few.

The demand is not for the purpose of compulsorily causing cattle, sheep, or hogs to be held upon the cars a certain length of time, but to leave it in the judgment of the shipper, who is present and sees the circumstances, in order that he may have the opportunity to go on when it is best to do so; or stop, as the common law gives him a right to do, when it is best to do that; or hold the company responsible for damages in case they shall refuse to stop. This committee considering the matter in the year 1900, I believe it was, or 1901, possibly a year later, made its report and the bill passed extending the limit to forty hours. The Secretary of Agriculture undertook, during the latter part of the year 1904 and during the year 1905, the strict enforcement of the twenty-eight-hour law. This resulted in such hardship that his attention was called to the matter frequently. Committees came to Washington to see him in regard to it. He went out to Chicago and met a committee of stockmen, and the matter was thoroughly considered. He made a careful investigation through the officers who were maintained by the Government in the West, and the result of it was that the Secretary states that the enforcement of the law, as a matter of fact, resulted in more inhumanity than did the nonenforcement of the law.

Previous to 1904 the law was not much enforced. During that time we had entirely as good a speed as we had during the time the law was enforced, if not better.

It is a regrettable fact—I say regrettable because good people and honest people ought not to differ—that the humane society differs with the live-stock shippers of the country with respect to this matter, believing, no doubt, that it is the disposition of the live-stock shipper to treat his animals inhumanely. I desire to assure this committee that a thorough investigation will determine that that is not a fact; and the way to ascertain it is to get the evidence of the persons who actually go with the trains, who actually see the stock, who actually see the circumstances under which they are handled, the circumstances under which they are loaded and unloaded, and know the injuries that that process brings about. Then you will have gotten the testimony upon which the stockmen of the country base their judgment, and it will be sufficient, I dare say, on which to base yours.

It is not the desire on the part of the stockmen to treat their animals inhumanely. It is positively to their disadvantage to do so. I lay it down as a proposition that is not capable of being controverted by anybody, or any witness who knows, that it is to the interest of the cattle shipper to treat his cattle in the most humane way, in their shipment to market, for it brings him the most money if he does it.

We are prepared to present to you witnesses, as long as this committee can hear them—

The CHAIRMAN. Let me interrupt you for a moment, Judge Cowan. I have a telegram here from the president of one of the humane societies, requesting Mr. Sulzer to appear as the counsel for them in opposition to this change in the law. If there is no objection, the committee will be glad to have Mr. Sulzer appear. Do you appear as counsel, Mr. Sulzer?

Mr. SULZER. Not as counsel.

I have another meeting before the Committee on Military Affairs, and before I go down to attend that committee, where the Secretary of War is going to be present regarding the war appropriation, I would like to say to the committee just a word: That I have received this telegram this morning from the president of the American Society for the Prevention of Cruelty to Animals, a personal friend of mine:

Have just been informed of hearing to-morrow, Tuesday, before House Committee, Interstate Commerce, on bill to increase hours during which cattle in transit can be tortured from twenty-eight to thirty-six or forty hours. Our society is opposed to it. Will you appear in opposition to its passage?

I do not appear here as the counsel for the American society, but I do appear here in response to this telegram as a member of Congress, and I want to say that ever since I have been a member of Congress I have been opposed to any legislation that will torture cattle in transit from one State to the other, as this bill proposes to do.

The American Society for the Prevention of Cruelty to Animals has always been opposed to this bill, and they have sent in to previous Congresses protests and petitions against this bill.

Mr. RICHARDSON. There is a witness now on the stand addressing the committee, who has just stated that opposition.

Mr. MANN. Who is that telegram from?

Mr. SULZER. From the president of the American Society for the Prevention of Cruelty to Animals.

Mr. ADAMSON. We have a witness on the stand swearing pretty hard the other way, Mr. Sulzer. Had you not better cross-examine him?

Mr. SULZER. I have not time to do that.

The CHAIRMAN. I did not lay this telegram before the committee for the purpose of taking up any of Judge Cowan's time.

Mr. SULZER. I do not want to take up his time, but I trust the committee will give the people in opposition to this bill a chance to be heard.

Mr. MANN. If you had been here, you would have discovered that the committee has already done that.

Mr. SULZER. I can not be everywhere at once.

The CHAIRMAN. Proceed, Mr. Cowan.

Mr. COWAN. Gentlemen of the committee, you see that what I claim is true. I do not want to criticise anybody; we are not here for that purpose. We asked the president of the humane society, whose telegram has been read, to give us a hearing upon the facts with reference to this matter—

Mr. SHERMAN. This is not the humane society.

Mr. COWAN. Isn't it? [Laughter.] It is a different organization, then.

All we want to do is to have this committee ascertain the facts. If, in your judgment, after ascertaining the facts you are of the opinion that it produces more cruelty to animals to extend this time to thirty-six hours than it does to keep it where it is, do not report the bill. Can the other side be as fair?

I want to give a few illustrations which will be applicable to all of the shippers in a greater or less degree—a statement as to what the facts are. If I do not misstate the facts, you will agree with my conclusion. If I do misstate the facts, let somebody prove that I have misstated them.

Our disagreement with the humane society, in my judgment, is due to a misapprehension of the facts by very good people—people who have the best of intentions, who have good hearts in them—but they have not taken the pains to ascertain whether or not we have just as good hearts as they have and intend to do the proper thing.

Take, for example, the location of the various shipping points in this country, and let us see the necessities of the business. The great cattle-producing country is southwest and west of the Missouri River. That is the great range country. That is the country from which live stock must be shipped long distances. This side of the Missouri River is the maturing, feeding country. True, they raise a great many cattle, but in a great part of that territory this twenty-eight hour law never has any effect, for the reason that the animals always reach the market, in the absence of accident—and the law does not apply in case of accident—in less than twenty-eight hours. The result is that the main complaint comes, of course, from those who are injured by reason of the insistence upon this law.

Take Denver as an example. All of the cattle raised in that vast country west of the mountains—western Colorado, Utah, western Wyoming—generally come through Denver. At Denver they have somewhat of a stock market, stock yards well equipped for feeding, feed always on hand, attendants for the purpose of attending to the cattle, and they are unloaded and fed there, if they have come 200 miles, if they have come 400 miles, or if they have come 500 miles. It is the necessity of the business. If they do not happen to go to Denver and drop off at Pueblo, the same thing occurs. If they come over the Union Pacific, the same thing is done at Cheyenne. That has grown up to be a business necessity. People want to try the market at Denver often. A great many cattle are bought and sold there and reshipped.

When the train reaches Denver the cattle are unloaded and not rested merely five hours, as provided in the law, but they spend a day there. The convenience of the shipper, the necessity of the shipper, the importance of reaching the market at a proper time induces him to load at 6 or 7 o'clock in the evening in order to reach the second morning's market at Kansas City, or Omaha, or St. Joseph, or, if any went to Sioux City, to that point. Those are the great markets on the Missouri River. It would do no good for these cattle to reach Kansas City at 12 o'clock at night. They are probably in better condition to reach there in the early morning. The object is to reach the second morning's market. He can not do any better than that. He can not possibly reach the next day's market. He can not get there earlier than 10 or 12 o'clock at night the second night. That is a most remarkable run. I believe that Mr. Cooper,

who understands the whole subject and has been in the business at Kansas City for many years, and who was an officer of the humane society, will bear me out that it is better for these cattle to get there at 3 or 4 o'clock in the morning than it would be for them to get there at night.

Mr. JOHN H. STEVENS. Give us the distances between those places.

Mr. COWAN. I will. The distance from Denver by the short line is 512 miles to Omaha. The distance increases to St. Joseph and Kansas City, so that it ranges, approximately, from 500 to a little over 600 miles. That distance can not be made in twenty-eight hours in more than 25 per cent of the cases. With a full train of cattle—that is to say, a train with nothing but cattle, no other freight, and a train not loaded to its capacity for speed—it might be possible; but it is impracticable to do it. It is impossible in probably 75 per cent of the cases.

Take the Union Pacific or the Rock Island Pacific, both running from Denver to Kansas City and coming together at Manhattan, 100 miles from Kansas City. Feed yards are provided there. If you enforce the twenty-eight hour law, what happens? Your animals are stopped at 8 or 10 o'clock at night at Manhattan, or 12 o'clock, more likely. They remain there until the next day. They do not reach Kansas City until in the afternoon, and the market is closed. You have lost a day in the market. You have lost the consequent shrinkage of the animals. The animals have been on a range, where they have been eating grass. They have been accustomed to that all their lives, and they eat very little in the yards when they are fed hay. They only give two bales of hay to the car, and sometimes the cattle do not eat that. These animals are accustomed—I speak advisedly—to going without water for two days. There are a number of gentlemen here who know that. They are accustomed to it.

The great injury to animals is shown by the carcasses in the packing houses, and is subject to demonstration, being shown by the bruises upon the ribs, particularly upon the hips and on the sides of the animals, where it is evident that that has been done by the getting in and out of the cars. It occurs nowhere else. The animals do not go and take their places in the cars like persons. These cattle are hard to handle, and you have to punch them in and out. I see Mr. Mulhall sitting over there, who has been in the business, I know, for thirty years, and he knows that every word of this is true.

The injury happens in the unloading and reloading. When these range cattle are in the cars, while the train is moving, they are satisfied. They generally have their heads up, and they are not apt to hook or injure each other; but when we unload them into the pen there are more or less unruly members among them, just as is the case with men, and they commence injuring each other in that way. They do not gain flesh; they do not take much rest.

Here is another thing that will happen. It has been very warm weather here for a few days. It was warm in Denver. Suddenly the thermometer went down 40°. You start your train of cattle out and unload them out of the car, where they are warm, into zero weather, and tell me that that is humane? It is simply out of the question to say so.

Four or five or six hours' more run will land them in Kansas City, and land them in the slaughterhouse twenty-four hours earlier.

That is the condition that exists, also, on the Fort Worth and Denver City Railway. It is the condition that exists from Fort Worth. It is the condition that exists on all shipments from the Missouri Valley to Chicago. There is that great producing and feeding belt of the country, and all those markets where animals are reshipped and carried on to Chicago. The distance from the Missouri River to Chicago is 500 miles. These cattle can not make Chicago, generally speaking, in twenty-eight hours. It is generally a little over that.

The convenient arrangement is, as I said, to load late in the evening for the second morning's market. The trains begin to come in from Chicago at 3 o'clock in the morning and keep that up until 9 or 10 o'clock in the day. They have to handle, sometimes, 40,000 cattle in a day and handle them within this time at those yards. You can not deliver them all at once. There are hundreds and hundreds of cars. These trains have to stand and wait for others to be unloaded, notwithstanding the extensive stock yards there. It is impossible to handle this business in any other way than that which I have indicated. Many of you gentlemen personally know that every word that I have spoken is true.

When these cattle have come in there on a thirty, thirty-one, or thirty-three hours' run and are killed they are uniformly in better condition, uniformly better meat, and have uniformly less bruises than when they have been unloaded once or more en route.

Mr. RICHARDSON. The present law limits the time of confinement in the car to twenty-eight hours?

Mr. COWAN. Yes, sir.

Mr. RICHARDSON. And you want it extended to thirty-six hours?

Mr. COWAN. Yes, sir.

The CHAIRMAN. What would be the shrinkage of a grass-fed steer of 1,100 pounds at the end of the first twenty-four hours' confinement out of the car?

Mr. COWAN. About 50 pounds.

The CHAIRMAN. What would be the shrinkage during the second twenty-hour hours?

Mr. COWAN. About 25 pounds. I am just speaking offhand about that. There are a number of gentlemen here who know about that better than I do. Mr. Cooper, is that approximately right?

Mr. COOPER. Yes; I think that is approximately correct.

The CHAIRMAN. What is the average rate of speed at which a cattle train runs west of the Missouri River?

Mr. COWAN. There is no average speed. There are two different sorts of trains. The Burlington, for example, runs one train for the purpose of taking cattle out of Denver, and leaves there at 6 o'clock every day, taking all the cattle, unless there is more than enough to make one train load, in which case they run an extra. I believe the other roads do the same thing, and I have heard them testify to that. I am speaking of exactly what I know. That train will have to be stopped and unloaded somewhere back 50 or 100 miles west of Omaha unless the twenty-eight-hour law is violated.

Mr. CRAMMOND KENNEDY. Or unless the speed is increased.

Mr. COWAN. If you will consider all the things that happen, I will show that it takes too high a rate of speed to be able to make that distance within the twenty-eight-hour limit. You must take into consideration that it takes from three minutes to five minutes a car to load a carload of cattle. Is that right, Mr. Cooper?

Mr. COOPER. Yes.

Mr. COWAN. Therefore, loading twenty cars takes an hour. That is an extremely rapid loading. I have heard testimony, and it is printed in the hearings before the Interstate Commerce Commission, of at least one hundred witnesses, in our rate case against the railroads, and in this I think all parties who understand the matter concur, that it takes generally an hour and a half to load a trainload of cattle out of the pens on the range. In the stockyards, at Kansas City and places like that, they are better equipped and load them more rapidly, probably.

You have an hour to load your train of twenty cars. The switch engine carries these cars out over the belt line. There is strung out there an immense number of freight depots and yards, and passenger trains have to come in. The business of the world has to go on. It is not only the cattle trains that have to be considered. Therefore it will be two hours, at best, from the time you begin loading your first car of the train of twenty cars until that train can be started upon the main line. Therefore you have lost two hours.

When you get to the first division point it takes from thirty to forty-five minutes to inspect the cars, to oil the cars, to change the crews, to change the engines, get the orders, and start out again. Those things are necessary. They have to be done. You can not run these trains without inspectors or without oiling. You have to use the greatest care, for fear of greater danger that might happen to life or limb or property.

Mr. ADAMSON. Are those trains permitted to run without interruption after they get started, or are they delayed?

Mr. COWAN. They are necessarily delayed, for the various causes that happen in handling business both ways on a single-track railroad.

Mr. RICHARDSON. They have no right of way?

Mr. COWAN. Oh, yes, sir; they are given the right of way over all other trains. There is plenty of testimony on file to that effect.

Mr. COOPER. Of a similar class.

Mr. COWAN. Yes. Of course I am talking about freight trains.

Mr. ADAMSON. They do not have the right of way over passenger trains?

Mr. COWAN. No; of course not.

Mr. ADAMSON. And they often have to lie on a siding, waiting for passenger trains?

Mr. COWAN. Yes, sir; but they have the preference over all freight trains. That is what I meant, of course.

All the railroad regulations that I know of provide that with five cars or more the conductors and engineers shall endeavor to make 100 miles in five hours. That is the standing order, a copy of which is on file with the Interstate Commerce Commission in our rate case, taken from the M., K. and T. Railroad Company files and introduced by them in evidence. And every traffic manager of every western railroad testified that that was the rule on each one of those roads. I refer to that because I have heard these men testify to it, and I presume, therefore, that that is true.

Mr. JOHN H. STEVENS. That is 20 miles an hour.

Mr. COWAN. Yes; for a division of 100 miles.

When you get into Chicago or Kansas City or any other place,

here is another thing that must happen: The train has to be broken up. It is broken up at the breaking-up yards, and the live-stock cars are switched in by a switch engine or a road engine, dependent upon the particular yards where this is carried on.

Mr. CRAMMOND KENNEDY. To what extent is that rate maintained?

Mr. COWAN. In the absence of accident to that train or to some other train, or bad weather conditions and other contingencies covering a multitude of things, the speed is probably usually maintained in the southwestern country; I will say from Denver to the Missouri River, from Texas to the Missouri River, and from the Missouri River to Chicago, and from Texas to St. Louis, and from St. Louis to Chicago. But, mind you, in 75 per cent of the cases something happens along the road. Sometimes a passenger train breaks down or gets laid up, the engine gets broken down, and it is laid out between stations. And the experience of men who have had experience with these things and have seen them, is that they find innumerable things happen to prevent the speed that they intend to make. I suppose that it is the genuine intention to make the speed, because we generally make them pay damages if they do not. I think Judge Smith will vouch for that, and Mr. Stevens, also.

There has been a disposition to load down trains with too many cars, too much freight to make the speed, and that has increased the chance of accidents or break downs, of course. As to these matters, I did not intend to argue to the committee.

At all events, no matter what it is, it does happen that you have to unload these cattle in four or five hours of the market and to reload them. And you are as apt as not to have to unload them in muddy pens. You are as apt as not to have to unload them in a snow storm. You are as apt as not to have to unload them in a cold rain. It is an absolute injury to the cattle, in any way you can figure it. You can not find a shipper who goes along with the cattle and sees the actual conditions who will dispute that proposition on his oath, if he has had real experience. And if he did dispute it, go to the packing houses at Chicago and look at the meat. The man there will tell you that the cattle that came in when the twenty-eight hour law was enforced—I was told this by reliable parties—because of their being unloaded three times, from Montana to Chicago, the cattle brought 25 cents a hundred less; and the next train that came in under those circumstances the packers would hardly look at them at all, because they killed out so badly.

Take the case of cattle coming from Texas, southwest of San Antonio—

Mr. MANN. When was that instance that you just mentioned? While the law was enforced?

Mr. COWAN. Yes, sir. I can furnish the witnesses who know these facts; but I did not expect to try to bring witnesses here at this time. I will bring them later.

Mr. MANN. That was while the Secretary was enforcing the law last summer?

Mr. COWAN. Yes, sir. They were some of the first shipments that started from Montana to Chicago. They quit shipping until they could see the Secretary and make arrangements which would not result so inhumanely.

I want to instance this case from the San Antonio district—

Mr. F. C. STEVENS. Explain that phrase "so inhumanely."

Mr. COWAN. I do not know whether that is a good word.

Mr. F. C. STEVENS. You had in your mind some sort of a condition that fitted that expression. Explain it to us.

Mr. COWAN. It fits this: You unload the cattle from Montana. They are carried 1,400 miles, and you unload them three times on the way to Chicago, and you will find that their hips and sides are a mass of bruises, and that the meat shows it when it is hung up. Mr. Gooding, brother of the governor of Idaho, sitting over there, will vouch to that happening from unloading and reloading.

Mr. RICHARDSON. The longer they are detained the better it is for the cattle?

Mr. COWAN. The less unloading there is the better it is for the cattle.

Mr. RICHARDSON. I thought I understood you to say just now that it was the detention of the cattle a certain length of time that injured the market price?

Mr. COWAN. It does that. I am speaking now of the bruises from the fact of unloading.

Mr. RICHARDSON. It is the unloading and reloading that is the cause of that?

Mr. COWAN. Yes; that is what makes these bruises. That can be proven by anybody who will investigate it.

Mr. WANGER. What effect upon unloading and reloading would this extension have as to cattle shipped from Montana to Chicago?

Mr. COWAN. It would save from one to two unloadings. I will give an example from Texas that will apply to the conditions from Montana just as well. Fort Worth is a good market. Swift and Armour have large packing houses there, and large stock yards. All of the railroads from southwest Texas converge there. So all the lines going to Kansas City lead out of Fort Worth. The cattle leaving the southwest, along the Rio Grande, come to Fort Worth to try the market. Many of them are sold there, some of them to be re-shipped, others to be slaughtered. Oftentimes a man will bring in a train of cattle and sell half of them and ship the other half on. These cattle from that district are being consigned, however, to Kansas City, with the privilege of stopping off at the Fort Worth market. They are interstate freight, therefore, and controlled by the interstate law. Those cattle will not reach Fort Worth, ordinarily, in twenty-eight hours. Oftentimes they can not do that. So that they, finding that they can not do that, having no sufficient pens to accommodate a train load of cattle at every station, have to stop these cattle where they can unload them; and on the M., K. and T. Railroad they have such pens at Hillsboro, 50 miles south, and Waco, 100 miles south. They have to unload them and reload them at one of those places if the twenty-eight-hour law is enforced. If it is not, they will reach Fort Worth in thirty hours, about, and have one unloading. If the twenty-eight-hour law is enforced in the shipment to Kansas City they will have to unload at Parsons, Kansas City, if over the M., K. and T., and Emporia and Kansas City over the Santa Fe, or Herrington and Kansas City over the Rock Island. So you will have three distinct unloadings from southwestern Texas to Kansas City if the law is enforced. If not, you will reach Fort Worth in thirty-one or thirty-two hours, under ordinary circum-

stances, from districts like Sanderson, Eagle Pass, and the like, and reach Kansas City in thirty-one or thirty-two hours from Fort Worth. So that you have one unloading instead of three. That illustrates the situation coming from Montana. If you will give us the thirty-six-hour law coming from Montana you will reduce the unloading two-thirds on the live stock coming to Chicago and benefit the cattle twenty-five per cent.

MR. ADAMSON. The only increased detention required would be two or three hours?

MR. COWAN. Yes, sir; but the reason for extending the time to thirty-six hours is to meet the exigencies of weather conditions, and so on. I will set it down as a proposition that every cattleman in the country knows that the cattle bring more money with less unloading; they weigh more; they are in better condition; they are better meat; they suffer less. At all events the cattleman is along with them and can see them and judge the circumstances as they exist presently to him. The common law gives him the right to have them unloaded when and where he pleases, if he makes a reasonable request for it, without being detained twenty-eight hours, or thirty-six hours or twenty-four hours, for that matter. If he sees that they are riding badly, or that they are being injured, or injuring each other, he does unload them; and it is a common thing for that to be done; and the railroads from Texas all obey those directions. These Congressmen from Texas here, every one of them, know that to be true.

I say, give the cattleman the right to exercise his judgment. Why? His judgment is in line with the humane treatment of the animals. His judgment is in line with doing the best for them. He can judge the circumstances from the facts as they present themselves then and there. Congress must judge them from Washington. How can Congress fix an ironclad rule that will operate as humanely as the judgment of the man to whose interest it is to act humanely? He can see the situation.

Take a case like this: I reach Muscogee, Ind. T., and I intend to unload there, shipping from San Antonio. I have got to make one unloading on the way to Kansas City, and I choose Muscogee, because they have well-equipped pens there, and they have good hay in that country. When I get to Muscogee I find that this blizzard that is just blowing over that country is in full blast. You can imagine what the result would be if I unload those cattle; and yet the law says that I shall do it. I say that the law is inhumane instead of being humane.

THE CHAIRMAN. What is the tendency of a carload of cattle to get down, say, on the thirty-fifth or thirty-sixth hour after continuous movement, as compared, say, with the tenth or twelfth hour?

MR. COWAN. There is very little difference in that, in my opinion. I will give some examples of that that I know about. I tried a case that Mr. Lincoln put before the Senate committee, in which the railroad was mulcted in damages for \$11,800 for three trains of range cattle. These range cattle were shipped from Childress, Tex., to El Dorado, Kans., or in that vicinity. They could reach there in thirty hours. The railroad, instead of doing that, held these cattle for twenty hours after the twenty-four hours was over—forty-four hours—and two-thirds of them were down and the others piled on top of them. We had begged them to unload them. But owing to

a mistake in orders given by a division superintendent, and contrary to the live-stock agent's orders, they were not unloaded. It was a horrible mistake; one of those things that occasionally happens without evil intention on anybody's part.

The CHAIRMAN. What was the testimony of the plaintiff's witnesses in that case as to the number of cattle that were down, say, at the thirtieth hour?

Mr. COWAN. Practically no cattle were down. They reached Wichita at the end of the thirtieth hour, as it was, although they had been delaying them, because the railroad knew that this bridge was burned out and thought they would get it fixed. It was claimed to have been set on fire by lightning. They testified that if they had been unloaded at Wichita, Kans., there would have been very little injury to the cattle. The railroad witnesses admitted that when they got to Wichita there were few of the cattle down, and these were poor cattle. Fat cattle do not get down. The range cattle, taken from the range and loaded, rarely get down in the cars unless they are detained a very long time. Fed cattle have a disposition to lie down in the car, because they are in the habit of lying down in the pens so much. The ordinary range cattle are very strong and do not get down in the cars to amount to anything under thirty, thirty-two, or thirty-three hours. These gentlemen who have been shipping cattle for years, I think, will vouch for the fact that that is true.

Mr. SHERMAN. Does not the present law make provision for the extension of the time allowed, when the detention is by reason of a storm or otherwise?

Mr. COWAN. When they are delayed by a storm, that is true, yes, sir; or by accident. The present law does that.

Mr. MANN. When the train is delayed?

Mr. COWAN. Yes.

Mr. KENNEDY. Does the present law excuse you from unloading in twenty-eight hours in case of a storm?

Mr. COWAN. They have to be prevented from unloading, not prevented from making a market, but from unloading; they must unload in twenty-eight hours unless prevented by accident or storm from unloading—not from reaching the market. What we want to do is to be able, when we ship to the Missouri River or from the Missouri River to Chicago, to Buffalo, Pittsburg, Boston, or other points in the East to make these main market points without unloading.

Mr. ADAMSON. Your desire is to vest the shipper with some discretion, and allow him to be governed by the circumstances of the case?

Mr. COWAN. Yes, sir. Take the case of sheep. I think they should be allowed to have at least forty hours, if not more, leaving it in the discretion of the sheep man, who can tell whether the sheep should be unloaded or not, and who will unload them when they should be unloaded. That is the way with cattle or calves.

When this twenty-eight-hour law was not being enforced I can prove by every packer in this country that the range stock reached the market in better condition than when it was in force.

Mr. CRAMMOND KENNEDY. What kind of an accident would it be that would prevent unloading?

Mr. COWAN. A broken axle between stock yards, or a washout, hot boxes, a breakdown in the engine, and a thousand and one things that

happen. If the twenty-eight-hour law caught up with you when you were within 40 miles of a market you would have to stop at the first station, of course, and unload. Otherwise you violate the law.

Mr. RICHARDSON. If you get your ideas enforced—that is, if you get an extension of the time to forty hours, would you want the law to give to the shipper the right to take the cattle off the train at an earlier time?

Mr. COWAN. Certainly; the common law gives that right anyhow.

Mr. RICHARDSON. But if there is a statute the common law is superceded by that statute.

Mr. COWAN. The obligation would be exactly the same.

Mr. RICHARDSON. You would put the law in the hands of the shipper entirely?

Mr. COWAN. I would leave it in the discretion of the shipper to have an extension of time or not. As to that matter I have no objection to that, because I undertake to say that every shipper in the country shipping to any places where it is needed will make use of it. I have heard it said that some of the prominent members of the Humane Society would be satisfied with that. If they will, we can reach a quick compromise.

Mr. CRAMMOND KENNEDY. Is the provision in the French bill agreeable to you that gives the shipper the right to ask for an extension to a maximum of thirty hours—

Mr. COWAN. I am not able at this moment to quote the French bill on that subject. I do not want, while I am before the committee, to address myself to any bill. The committee will determine what bill should be reported. I do not want to get into a controversy about the specific provisions of any bill. I might think that some bill was injudicious; that some of its provisions were not probably good for one part of the country that I come from, but might be good for another. I am addressing myself to the necessity for an extension of the time. I would not like to go outside of that.

The CHAIRMAN. What is the number of fat cattle that reach the market by rail in the season?

Mr. COWAN. I can furnish that information definitely from the stock-yards reports. I presume that Mr. Cooper can answer you offhand, approximately.

The CHAIRMAN. What portion of that total amount reaches the market from west of the Missouri River—west and south?

Mr. COWAN. I have all of that data, but I have not got it with me, and I should not like to answer offhand. There is a very large amount.

Mr. ESCH. Would such an improvement of the character of stock cars be possible as to render unnecessary an extension of time?

Mr. COWAN. No; it would not. You have got to have the time. It might, under the present law, because the present law says that if they be given opportunity for food, rest, and water the law does not apply. You know perfectly well, I believe, and I know, and there are a number of Congressmen here who do, that you can not ship the animals in cars where the animals have sufficient space to lie down and rest, for the reason that they will trip over one another and injure themselves in the jerking of the train. It was found by the range-men that giving water in the cars was not a success. It slopped the cars, made them slippery, and did not work out satisfactorily. Fur-

thermore, the animals were in better condition the less water they had in shipment.

Mr. ADAMSON. Can not the railroads expedite the trains?

Mr. COWAN. You might run 20 miles an hour, on the average, between division points, and it would take thirty-one hours to go from Kansas City to Chicago and about thirty-two hours by the long line from Fort Worth to Kansas City. We have three or four lines of railroad; but, striking an average distance, it would take, usually, about thirty-two hours, running at a speed of 20 miles between division points.

The CHAIRMAN. Will range cattle eat while on the train?

Mr. COWAN. They put in hay for them oftentimes, but there is not much eating they tell me. That is one thing concerning which I am a little bit shy on information. I will not say that I know about that. These other things I do know about.

Mr. JOHN H. STEVENS. Is it not a fact that the pens are often in such bad condition, where the cattle are unloaded, that they have to be forced back into the car again?

Mr. COWAN. That is oftentimes the case, necessarily. You have to put your train load of cattle in pens where there has just been a train load of cattle, and there has been no chance to clean up the pens between times. Sometimes there are 15 or 20 trains on the same day on the same road going to the same market. Take it at Chicago, there are as high as 12 to 15 trains a day coming in on the Burlington from points west of the Mississippi River.

Mr. JOHN H. STEVENS. You spoke of the Muskogee pens. I remember seeing them 2 or 3 feet deep with mud when they were unloading and loading there. The mud was 2 feet deep.

Mr. COWAN. Yes. They are paving those pens, as far as possible, now, I believe.

Mr. JOHN H. STEVENS. What instrument of torture do they use to get the cattle in and out of the cars?

Mr. COWAN. You have to punch them with something.

Mr. JOHN H. STEVENS. With a prod pole?

Mr. COWAN. Yes, sir. That is not for the purpose of injuring the cattle, but you have got to have something to make them get along. They do not go in when you tell them.

Mr. JOHN H. STEVENS. Is not that where the cattlemen got the name of "cow punchers?"

Mr. COWAN. I suppose so. It is the only way that I know of.

I request the committee to have a hearing and to give us an opportunity to present the cattle shippers from the West after the Denver convention. That convention meets on January 30, and we would like to present here a number of cattle shippers from the West and a number of sheep men from the West a sufficient time after the 30th to give them an opportunity to settle up their board bills out there and any little business at home that they might have—probably along about the second week in February.

Mr. SHERMAN. You have not had an opportunity to present anything like your full case as yet?

Mr. COWAN. Oh, no, sir. I am just making the opening statement of the case which we want an opportunity to present.

The CHAIRMAN. I suppose the committee will now wish to hear a statement from the opposite side, and then appoint a subcommittee to take the testimony.

Mr. COWAN. I would like to say, Mr. Chairman, that Mr. Gooding is here from Idaho, and has some gentlemen with him, and I would like very much to have the committee hear him; also Mr. Cooper and some others.

The CHAIRMAN. We will first hear some gentleman representing the opposition to the bill in a general statement.

STATEMENT OF JAMES EDGAR SMITH, ESQ.

The CHAIRMAN. Where do you reside, Mr. Smith?

Mr. SMITH. In Washington.

The CHAIRMAN. What is your business?

Mr. SMITH. I am a lawyer by profession.

The CHAIRMAN. Whom do you represent?

Mr. SMITH. I represent the Humane Society of Washington, D. C.

We did not come prepared to make any statement whatever, and Judge Cowan, who has just taken his seat, is a little bit mistaken as to our attitude here. We come here in the attitude of a learner. We want the interests of the cattle preserved as far as possible. We have been in conference with some of the cattlemen from Idaho—I think it is Mr. Gooding and Mr. Philbrick and Mr. Johnson—and we are open to conviction if the present law can be modified.

The CHAIRMAN. Allow me to suggest that that is the mission of the committee. We are open to conviction. If you have anything to say in opposition to this bill we will be glad to hear you. If you come here as a pupil, we are not interested in you at all. [Laughter.]

Mr. ADAMSON. We are not running a kindergarten.

Mr. SMITH. I may have stated my mission here very inaccurately, awkwardly. The Humane Society, however, throughout the country have been opposed to the extension of the twenty-eight-hour law. If in that attitude they have committed error they are willing to admit their error. That is all, Mr. Chairman.

The CHAIRMAN. Very well.

Mr. SMITH. We desire this: We desire the right at times to examine witnesses further. That is all.

Mr. MANN. You will want to put in some testimony, possibly?

Mr. SMITH. Yes, sir; later.

Mr. KENNEDY. Do you know whether the humane societies have ever sent any person out there to see how this thing works?

Mr. SMITH. I do not know of my own knowledge. I believe they have. I believe the society here has its general offices in Albany, N. Y., and has sent specialists out west.

Mr. RICHARDSON. Do you not believe, as a representative of the Humane Society, that long detention of cattle injures the market value of them, and that the owner or shipper of them would be more interested in that matter than you?

Mr. SMITH. Yes, sir.

That is all I have to say at this time, Mr. Chairman.

The CHAIRMAN. We will now hear from Mr. Philbrick.

STATEMENT OF W. H. PHILBRICK, ESQ.

Mr. PHILBRICK. Mr. Chairman, gentlemen of the committee, and others here who are interested, we come here as people directly in-

terested in and affected by the law which is now in force and by any measure which may be enacted to replace that law.

The CHAIRMAN. Allow me to interrupt you for a moment, Mr. Philbrick. Where do you live?

Mr. PHILBRICK. In Idaho.

The CHAIRMAN. What is your occupation?

Mr. PHILBRICK. I am a rancher, stock raiser, and shipper.

The CHAIRMAN. How large a shipper?

Mr. PHILBRICK. We ship from 50 to 150 cars a year.

The CHAIRMAN. Of your own raising or as a dealer?

Mr. PHILBRICK. Well, we raise quite a number of stock. We raise, perhaps, 200 head of cattle annually and twelve or fifteen thousand head of sheep, and the balance would be stock that we would purchase.

We have prepared a paper, roughly, that sets out our views somewhat, and perhaps it will take less time to just read that and leave it for your consideration than to present any remarks that I might have to make. We will be pleased to answer any questions that may be asked. This paper is as follows:

"In reference to House bill No. 12316, introduced by Mr. French, we wish to say that after a very careful consideration of its various sections we, a committee of stockmen from the State of Idaho, desire to give it our hearty approval—

"First. Because the existing law when literally enforced is defective in many respects.

"Second. Because the shipment of live stock under this act will be much more humane than under the existing law or any other measure now before Congress.

"Third. Because it provides a minimum speed limit when live stock is being transported by rail which will insure for this commodity the dispatch that many other commodities enjoy by virtue of the fact that the business involving those commodities originates where keen competition in carrying exists.

"Fourth. Because the handling of live stock under the provisions of this bill will avoid heavy shrinkages, thereby adding greatly to the wealth of the country without loss to anyone.

"This bill affects all common carriers, whether operating as corporations or as individuals. It controls interstate shipments from all parts of the United States, whereas the present law makes no reference to Territories or the District of Columbia. The provision for the extension of time of confinement upon the request of the shipper is of vital importance. Under this flexible arrangement great injustice and discomfort to the animals can be avoided, as it will allow shipments to reach favorable stations where necessary feed and water can be had. The present law in many cases compels the unloading of stock where, on account of natural conditions, it is impossible to provide suitable food and water; and yet there they must remain five hours, to be then reloaded only to proceed a short distance to a point where the proper facilities exist, when the unloading process must be repeated in order that the animals may have the necessary food, water, and rest to sustain life.

"The extra time, labor, and expense required for these unwarranted stops are of little moment compared with the distress of the animals and the monetary loss to the shipper on account of shrinkage.

Under the present law stock is often ten or more hours longer without food than it would be if there was no restriction whatever, and is also subjected to an extra unloading and loading.

"As practical shippers we have found, in the case of sheep coming from Idaho to the slaughtering markets, that the shrinkage under the enforcement of the law is on an average 2 pounds or over to the head more than it was when we were allowed to use our judgment as to the time and place of providing food, water, and rest.

"There is always some shrinkage where wild or semiwild animals are handled, and oftentimes the shrinkage of 2 additional pounds will cause mutton to be graded as second, where it would otherwise be first quality. The shipper then not only sustains the loss of the actual shrinkage, but perhaps 25 or 50 cents per hundred pounds on the whole carcass.

"The shipments of sheep from the State of Idaho alone in 1905 up to December 1 consisted of 5,500 cars, or about 1,650,000 sheep. A very conservative estimate of the loss caused by the present law is 15 cents per head, amounting for that one State to \$247,000. This is a loss from which no one receives any benefit. This illustration is applicable to all the South and West of this country, and to a greater or less degree to all kinds of live stock.

"The restrictions of the law have generally been interpreted to refer only to the time in transit and not to the time consumed in loading and unloading; yet, at times the construction has been otherwise. The definite expression of this bill will make conditions uniform without material change, as in the loading of large shipments where any considerable time is consumed a part of the stock is usually on feed while the rest is being loaded, and the same is true in unloading.

"The provision to allow sheep to continue in transit until daylight, when the time limit expires at night, is particularly recommended, as it is impossible to unload them in darkness without inflicting great abuse, and even after being unloaded they will neither eat nor drink readily in the night. Since they lie down in the cars at their will the question of rest is practically eliminated.

"In cases where the carrier furnishes food this bill provides a simple and convenient means for collecting the pay for the same, whereas the present law in cases of forced collection would greatly inconvenience the carrier in many localities. The provision allowing a shipper to furnish his own feed will enable him to secure that best adapted to his purpose at reasonable rates.

"The last clause of section 3, which exempts shipments from being unloaded where food, water, and room for rest are provided in cars, will encourage railroad companies to provide cars properly equipped.

"Section 5, relative to the minimum speed limit of trains, we feel will be beneficial to the shipper and at the same time work no hardship on the railroads. This limit of 16 miles per hour is less than any road has been willing to promise when we have conversed with them on this subject. It will tend to bring about uniformity and a condition upon which calculations can be based that in the end will result in benefit to both the stockmen and railroads.

"Respectfully submitted.

"F. W. GOODING.

"P. G. JOHNSTON.

"W. H. PHILBRICK."

Mr. TOWNSEND. You spoke, and Judge Cowan also spoke, of the loss of weight, shrinkage. Does that indicate any cruelty or that the animal has suffered?

Mr. PHILBRICK. I will state in answer to that question that there is nothing that reduces the weight more with timid animals than affecting their nerves. I was talking just recently with a man from Michigan who is a sheep raiser, and he had a flock of sheep divided in three pastures, and in one of those pastures a dog chased the sheep for ten or fifteen minutes. The dog did not actually touch one of the sheep. This occurred in February, and between then and the time of the next shearing, in June, one-half of that flock of sheep died. They gradually pined away from the nervous shock. That is one illustration that makes conclusive in my mind the fact that the worry to the animals is the greatest cause of shrinkage.

Mr. RICHARDSON. I do not know whether you commented on section 3 of this act. I believe you did not.

Mr. PHILBRICK. I referred to the last clause of that section.

Mr. RICHARDSON. Yes; section 3 of the act provides for the penalties if the railroads do not comply with all the requirements of the statute, and then the proviso is that when the animals are carried in cars where they can get food, water, and space they are not required to be unloaded. Who determines that?

Mr. PHILBRICK. Who determines whether the cars are of that character?

Mr. RICHARDSON. Who determines whether the cattle are so situated in the cars that they can get along, that they have space and have water, and food can be given them. Who settles that question as to whether they shall be unloaded or not, under this law?

Mr. PHILBRICK. Well, I should suppose that if it could not be agreed upon between the shipper and the railroad, it would have to be taken into the court.

Mr. RICHARDSON. There, you see, in that proviso you wipe out all the provisions of the law. I understood Judge Cowan to say that the thicker you put cattle in a car the better it was for them, because they could not lie down; and that if you undertook to water them in a car it made the car very slippery, so that it was dangerous to the cattle; and yet your proviso is that if they have space enough in that car so that they can feed and water them they can go on and do it and not incur any of the penalties of the law. I would like to have you explain that provision to the committee and tell us what you mean by that.

Mr. PHILBRICK. This clause is intended to cover the cars that are known as palace stock cars.

Mr. RICHARDSON. But it does not say so.

Mr. FRENCH. That is simply a copy of the law at the present time.

Mr. PHILBRICK. Yes.

Mr. FRENCH. We would be glad to modify that.

Mr. RICHARDSON. But you leave it open to a very different construction from what you are giving it.

Mr. PHILBRICK. There are stock cars many of them provided so that cattle can not slip or anything of that sort, and for the shipment of race horses; and all those things have been expressed carefully.

Mr. ESCH. Can sheep stand confinement in cars better and longer than cattle or horses?

Mr. PHILBRICK. Yes, sir. I may state that sheep are different in their habits from horses and cattle. In the first place, they are light animals, and if a sheep lies down and another one steps on him it does not injure him particularly. He is protected, practically, by his coat of wool. In shipments we will notice that after the sheep have been on the road a few hours perhaps one-third of them will be lying down in the car. The ones standing up suffer no inconvenience, nor do the ones lying down. Perhaps at the next stop that we will make some of those sheep that were lying down will get on their feet and others will lie down, so that the sheep practically rest whenever they choose on the cars.

Mr. ESCH. So that there is no bruising, so far as sheep are concerned, except such as may be entailed by driving them in and out of the cars?

Mr. PHILBRICK. Yes, sir. Sheep are perhaps more timid to handle than any other kind of live stock. That has been my experience, and I ship all classes of stock.

Mr. ESCH. You have to use more force to get them in and out of cars than you do with cattle?

Mr. PHILBRICK. No, sir; but you should use more tact. When you commence using force with sheep you do not get ahead very fast.

Mr. ESCH. You have range sheep, and they are more timid than our eastern variety?

Mr. PHILBRICK. Yes; very much.

Mr. ESCH. You have to force them more?

Mr. PHILBRICK. Yes, sir; we have to impose on their timidity more.

Mr. WANGER. Do you personally accompany your shipments?

Mr. PHILBRICK. I have done it a great deal. I was over the road twice last year.

Mr. WANGER. What inconvenience have you observed from the operation of the present law?

Mr. PHILBRICK. At times we have been obliged to unload at points where it was impossible to get any suitable feed and water. That was the case with sheep, particularly because our sheep that are accustomed to drinking only out of brooks do not understand about going to troughs, even when they are provided; and if there is not a good deal of room they will not take advantage of food and water. When we are compelled to unload at a desert place, where there is neither of those requirements, we have, under this law, to remain five hours. Then we load up and proceed to the first place where there is a proper arrangement, and there we unload for the sake of giving the animals what they need and what they must have, to protect them, so far as we can.

Mr. WANGER. You would like to be exempted from the necessity of the first unloading to which you refer?

Mr. PHILBRICK. Yes. If we had a flexible law that would allow us to go on in our discretion to a suitable point, we could avoid one unloading, one handling of the sheep, and the sheep would actually be benefited, or the cattle, or whatever animals were being shipped. I was just talking about sheep at the time. They can be put on feed several hours sooner than they can if we have to unload just to comply with the law at some point where we can not get any of those advantages.

Mr. SHERMAN. I move that the committee take a recess until 10.30 o'clock to-morrow morning for the consideration of the rate bill.
(The motion was carried.)

Mr. MANN. I move that a subcommittee of three be appointed to continue the hearings on these various bills about the twenty-eight hour law.

The CHAIRMAN. It is moved that a subcommittee of three be appointed to continue to take the testimony that may be offered upon these various bills that we have been considering this morning.

(The motion was carried.)

The CHAIRMAN. The committee will consist of Mr. Mann, Mr. Stevens, and Mr. Russell.

(Thereupon, at 12 o'clock m., the committee adjourned.)

SUBCOMMITTEE INTERSTATE AND FOREIGN COMMERCE,
Tuesday, January 23, 1906.

AFTERNOON SESSION.

The subcommittee met, pursuant to the taking of recess, at 2 o'clock p. m., Hon. James R. Mann in the chair.

Mr. MANN. Gentlemen, you may proceed in such order as you wish. Did Mr. Philbrick finish his testimony this morning?

Mr. PHILBRICK. I would like to add a few words to what I have said.

Mr. MANN. You may proceed.

STATEMENT OF MR. W. H. PHILBRICK—Continued.

Mr. PHILBRICK. There was one point I was talking of when the committee took a recess, and that was as to whether the handling of the sheep or cattle or live stock affected the shrinkage. I want to say that my experience all along that line has been that anything that disturbs the condition of the mind of the animal is detrimental to his condition.

Mr. STEVENS. In what way?

Mr. PHILBRICK. Well, he does not gain. To illustrate, there is no instruction that we give to a herder on the range—a cattle herder or a sheep herder—with more force or more explicitly than we instruct him to handle the stock gently; not unnecessarily excite them; to take any necessary amount of time and not worry them. Take it, for instance, with sheep. They are a timid animal. On the range you never have to use brutal force with sheep. You handle him from the time he is born until he goes to the market from the instinctive fear that he has in his nature. If we find a herder who is cruel with sheep we dispense with his services. We use dogs for the herding of sheep. If a dog really attacks a sheep he is entirely worthless to us. He is disposed of; he is killed or given away, or taken away from the sheep immediately. So that in that respect that part is almost out of the question while we are on the range. But we attempt to handle him gently; and we sustain losses in numbers every year from allowing them their own way—letting them scatter on the ranges so

as not to disturb them, so as to not upset the quietude of their minds—in order to let them get in the best condition possible. And there is nothing that affects the flesh of an animal more than the disturbing of his mind, making him restless and uneasy, and treating him unhumanely, you may say.

Mr. MANN. How does that affect the question of the extension of time?

Mr. PHILBRICK. The reason that the extension of time is asked for is because oftentimes when there are no suitable places for feeding and watering, et cetera, we are obliged to unload a load of these animals and are obliged to use more or less force at that time and disturb them from their quiet condition, and in that way it causes a shrinkage which affects their condition when they are on the market.

Mr. BURKE. Do sheep ever lie down when they are being transported on the cars, or do they remain standing, as cattle do, as a rule?

Mr. PHILBRICK. They lie down. There will be a percentage that will not lie down. I explained that this morning; some lie down for a while, and then they will get up and others will lie down. There is nothing to interfere with their resting as much as they like in transit.

There are things, perhaps, that I will not think of to present unless I am asked questions.

Mr. ESCH. With reference to the maintenance of the schedule of the speed, do you think you could make a speed schedule on those mountain roads with any certainty?

Mr. PHILBRICK. Different roads would have to vary considerably, I think.

Mr. ESCH. Would that be an argument for an extension of time?

Mr. PHILBRICK. Well, in some cases, yes; I should think so.

Mr. STEVENS. I suppose it is an argument for extension of time that traffic is congested in centers like Omaha and Kansas City and Chicago—general freight and passenger traffic?

Mr. PHILBRICK. Yes; there are times when that occurs.

Mr. STEVENS. That makes considerable delay?

Mr. PHILBRICK. Yes, sir.

Mr. BURKE. In shipping sheep do you hay the cars, as they often do in shipping cattle?

Mr. PHILBRICK. Well, that is done sometimes, but not always done; it depends on the class of sheep we are shipping and the time of the year, and so on. You take sheep right off of grass in the summer time, when it is warm, and they would make very little use of any hay you might put in the cars; they would hardly touch it; they would go on a long time before they would eat any of it. At another time, in the winter time, in shipping sheep that had been accustomed to feed, they will take advantage of hay that is placed in the cars.

Mr. BURKE. How do sheep compare with cattle as to the length of time that they will go without water without suffering?

Mr. PHILBRICK. Well, sheep naturally would go a good deal longer without water than any other kind of domestic live stock. They will oftentimes on the range go many days, and even weeks, without drinking when they have an opportunity to drink. They have an opportunity every day or every two days, and they do not seem to require the water. That is when the grass is green.

Mr. ESCH. Have you any specified shipping period, or do you ship throughout the year?

Mr. PHILBRICK. Beef shipments are generally throughout the entire year. I might say that particularly from our section of the country most of the shipping is done between the 15th of May and the 1st of November. There are a great many sheep shipped down into Iowa and other States that are brought down as feeders, and then of course they are shipped out from those points at different times of the year.

Mr. MANN. Mr. Rodenberg, have you somebody whom you wish to appear before the committee?

Mr. RODENBERG. If it is agreeable to the committee I would like very much to have Mr. Cooper, of Kansas City, make a statement. I want to say that Mr. Cooper has been quite prominently connected with the humane society in Kansas City, and that he is a practical live-stock man and is well informed on this subject.

Mr. STEVENS (in the chair). We will be glad to hear Mr. Cooper.

STATEMENT OF MR. FRANK COOPER, OF KANSAS CITY.

Mr. COOPER. Mr. Chairman and gentlemen, my name is Frank Cooper. I am a member of the firm of Elmore & Cooper, live-stock commission brokers at the Kansas City stock yards, Kansas City, Mo. I have been engaged in that business twenty years, and have handled on an average probably 2,000 cars a year during that time for perhaps a thousand customers scattered over the West. I am a member of the Kansas City Live Stock Exchange, and I am a member of the National Live Stock Association, and in that capacity I have been asked to appear here.

The National Live Stock Association is an association for the annual conference of all the business connected with the live-stock industry. They will have a meeting in Denver within the next month. I received a telegram from the president of the association, Frank J. Higgenboth, of Salt Lake City, to be here to-day. As a member from Kansas City I was a director of the Kansas City Humane Society for many years and had much to do with humane work in and about that place, and as such I got in the habit of looking at all these questions as a person engaged in humane work would look at them, and I trust I know that no business interest that might ever come to me would cause me to surrender any of the positions that I am always pleased to take as a humane man and as a director of the humane society.

At the annual conference of live-stock exchanges held at Buffalo last July I took a very strong position against interfering with this law as existing now.

Mr. STEVENS. That is the twenty-eight hour law?

Mr. COOPER. Yes; until its working could be further disclosed. The association, notwithstanding my objection, passed a resolution, however, asking for a remodeling of the law, and afterwards I came to take the same view of the situation.

The principal difficulties, or principal cruelties inflicted on live stock in transportation were dispensed with when the railroad companies adopted the rule of charging transportation charges on

weight instead of on car lots. When freight charges were ascertained by so much per car, regardless of the weight that was put in the car, there was a very strong temptation to shippers to overload the cars, and in that way unnecessary cruelties were inflicted on live stock. Of course the shipment of live stock in cars is inhumane; the industry itself is a cruelty to a certain extent, and yet it is a necessary operation of commerce, and as such the question resolves itself into how to incur the very least measure of cruelty, which I take it to be the object of the humane societies and the object of Congress.

After the transportation charges were ascertained by weight shippers were more moderate in loading cars, so that the time limit became less necessary than it had been before, and with the minimum weight, say of 22,000 pounds, it is possible if cattle are heavy enough to load enough in a car without increasing the transportation charges, to give each individual room enough to lie down; and I have seen cattle coming into the Chicago yards every one lying down very comfortably. I merely mention this incident to show that the principal objection to humane-disposed people to the shipping of cattle was overcome by the change the railroads made in the way of charging for their shipments. All cattle may be roughly classed into two kinds: What are known as the western range, or wild, cattle—more or less wild, such as were referred to by Judge Cowan in his remarks this morning—and the high-bred cattle from the farms—the corn-fed and grain-fed cattle. The range cattle receive the maximum of damage by unloading and reloading, and the minimum damage by standing in the cars. They are in the habit of walking and they are in the habit of going a day or two without water; they are used to hardships of that character, and it becomes a great deal less of a hardship to those cattle to keep them in a car than to unload them and put them in the cars again short of their destination; while native cattle, particularly if they are dehorned—and nearly all are dehorned nowadays—should be unloaded often; they are tender on their feet; they need more care and should have it.

If the various feeding yards along the different lines of railroad were arranged for the reception and entertainment of such cattle, for the care of them, then the twenty-eight-hour law would have a minimum of objection as applied to that class; but the difficulties presenting themselves there are that the railroads can not within a reasonable length of time adjust themselves properly to the new conditions. So, as it stands now, the time limit, as has been said by speakers who have preceded me, is reached when cattle are at some obscure point on the road, some small station or water tank or siding, and they are handled under the most adverse circumstances and kept there with great damage in order to comply with the rigidity of this law. So that the National Live Stock Exchange at their last meeting (I am a member of the executive committee of that exchange) decided to ask Congress to so modify the law that the wishes of the shipper may have a broader recognition in meeting concrete cases as they arrive; and that, as I understand, is about the modification which our people would like to have; that the conditions vary beyond the possibility of our reaching in this meeting all the cases that might arise, but in any given case they ask that the wishes of the owner of the goods may be considered in saying whether or not the cattle would be better off, or

sheep or hogs would be better off, to remain on the cars an additional eight or ten hours in order that they might reach a hospitable or comfortable destination or feeding point.

Mr. STEVENS. You think it is safe, then, to regard the wishes of the owner and shipper of cattle from a standpoint as a humane officer, do you?

Mr. COOPER. I do, to the extent that I have mentioned. I am willing to admit that it is not always safe to trust to the judgment of a man when it is matched against his cupidity. That was proved in old days when we had freight ascertained by car lots and not by weight. It was found even the owners of cattle would sometimes brutally overload freight cars in order to get a little advantage of the railroad company in the matter of freight; and it was found then that human nature is rather frail and is not always capable of that nice distinction of morality and humanity which it should have when brought up against a possible gain or loss; but nevertheless it would be, in the opinion of all cattlemen and of stock shippers, so far as I know, entirely safe to modify this law to the extent I have indicated.

In order to make it plain, I would like to give two or three concrete cases, because exact examples may sometimes be made use of to advantage.

Our firm had a shipment of eight cars of cattle loaded at Gage, Okla., destined to Kansas City. They arrived in Emporia, Kans., an intermediate place, the only place it seemed proper to feed that number of cattle, when they had been out twenty-four hours, and they were then, say, 100 miles from Kansas City. They arrived there just at nightfall, in the summer time. They were grass cattle. It was in the summer time; the railroad managers were afraid they could not make Kansas City in four more hours and decided that the cattle would have to be unloaded at that place despite the objections of the owner. That was, as I say, at 7 o'clock in the evening. The freight yards at Emporia were congested with freight, the stock pens were full of cattle that had already been unloaded in there, and the result was that those cattle stood on the side track in the Emporia yard the entire night and were unloaded at 7 o'clock the next morning. That was a species of cruelty that is pretty hard to imagine—cattle that had been on the road twenty-four hours being left standing still in those yards all night long. Now, under the operation of the law as we would like to have it those cattle could have been advanced to Kansas City, they would have arrived at Kansas City about 2 o'clock in the morning, and could have been unloaded in comfortable pens and fed, whereas under the operation of the law they were compelled to remain in the cars the entire night and then the next day were put in pens which were very muddy—knee-deep in mud, as the shipper stated—at Emporia and compelled to stay there five hours and then go on to Kansas City.

Another case connected with the 'Frisco road, of which Mr. Mulhall is the representative here: They have frequently within the last month unloaded cattle at Olathe, a place I know of, within 20 miles of Kansas City, and probably another hour would have brought them to their destination. A whole train was held up, and 10 or 15 other cars of cattle were compelled to stand on the side track because it was noted on their billing that the time was up, and they were unloaded at yards where no expectation was entertained that they

would have to take care of them and no arrangement had been made to feed or water such cattle. There are very few yards throughout the country that have good watering arrangements. This train was compelled to stand there five hours in a driving storm, and then the cattle were loaded again and brought into Kansas City, where they arrived at nightfall on the succeeding day. I might multiply instances of this kind, showing that the present rigid enforcement of the twenty-eight-hour law operates to produce just the effect which the humane society people do not want.

Mr. STEVENS. As I understand, the principal objection to the law is that it compels too many places to load and unload and in that way injures the cattle. All of the speakers have referred to range cattle. In what way does this loading and unloading affect the corn-fed cattle? Does it have the same effect on them to load and unload them frequently?

Mr. COOPER. No, sir. As I stated in the beginning of my remarks, it has a minimum bad effect on good corn-fed cattle, provided always that the accommodations are sufficient.

Mr. STEVENS. That is to say, room enough?

Mr. COOPER. Yes; room enough, and the pens free from mud, so that they can lie down. The kind of cattle you have just alluded to are those that have had very gentle treatment, and they require good treatment. It is no possible benefit to cattle like that to unload them in places where they can not lie down without wallowing in the mud, because it is not the nature of cattle to wallow in the mud, and they are feverish,—fat cattle are—and they need to be watered more frequently a good deal than range cattle, and they should be unloaded and properly taken care of. But there are very few conditions, geographical conditions, now existing anywhere within the United States that I know of where cattle can not be—I should say corn-fed cattle could not be—unloaded within thirty-six hours after loading—thirty or thirty-three hours—but there are many instances where they can not be pushed to their destination in twenty-eight hours.

I ought to say for the information of the committee, also, that the railroad companies have materially changed their methods of handling their business in the interests of economy on their part. There has been in recent years an effort to increase the train tonnage, which has become almost a mania with railway managers, to get the maximum of cars in a train and to handle the maximum of business with the minimum of labor expense. To this end, immense engines have been put into service, weighing 100 tons or more and drawing fifty or sixty loaded cars, and sometimes even more, the trains being made up partly, perhaps, of empties, thus making an unwieldy sort of a train, and the average time of stock trains, in my opinion, has been very much increased and the rate of speed reduced in the last few years by reason of the facts which I have just stated. This enters into the problem to a considerable extent.

Mr. STEVENS. Is that the reason why you are in favor of a minimum rate of speed?

Mr. COOPER. I do not favor a minimum rate of speed; I simply say the railroad companies have done it in the interest of economy.

Mr. STEVENS. Do you favor providing for a minimum rate of speed in any bill?

Mr. COOPER. It would be an ideal thing to accomplish if it could be done, but I do not know that my opinion is worth much in such a case. It has always seemed to me to be a very difficult matter, indeed, to legislate speed in a railroad company.

Mr. STEVENS. There is one bill that provides for such an arrangement.

Mr. COOPER. I do know that it has been considered by many people as entirely practicable.

Mr. BURKE. Might it not advance the rate by increasing the cost?

Mr. COOPER. Yes. Railway companies have endeavored to protect themselves against a reduced income—a reduced rate—by economizing and reducing the cost of service. Formerly we had lighter engines and faster time than now.

Mr. ESCH. What percentage of stock that is shipped to Kansas City can get there within the twenty-eight-hour limit?

Mr. COOPER. I should dislike very much to try to give accurate figures on that, but as an offhand guess I should say 30 or 35 per cent of the arrivals there were unloaded at intermediate points by reason of the operation of the twenty-eight-hour law.

Mr. BURKE. What percentage of the native cattle that come there are within twenty-eight hours of Kansas City?

Mr. COOPER. I wish to say, as a preface to my answer, that the wild cattle, such as have been alluded to in testimony given before this committee to-day, are growing less and less; that all over the West now there is a process of feeding beet pulp and alfalfa hay and other artificial means of beef making, so that a large per cent of the cattle are farm cattle. A large percentage of them, even from the far West, sold for beef cattle are in a more or less tender condition.

Mr. STEVENS. Does that change the proposition before the committee in any consideration of the form and contents of a bill?

Mr. COOPER. I should think not. The percentage of native cattle, to answer the question, would be less than the far-west cattle; but on account of the slow service on the part of the railroad companies that percentage is being increased and is growing. I am disposed to think that nearly 60, or 40 per cent anyway, of the native cattle that come in have to be unloaded, often very unexpectedly to the owners. There are also, on account of the demands of Congress, a number of very fast mail trains operated now.

Mr. BURKE. Is it not true that a large percentage of that stock does come in or would come in within a period of thirty-three hours?

Mr. COOPER. Yes, sir. I do not take the position of advocating even the owner of stock having the authority to keep it within the cars more than thirty-six hours.

Mr. STEVENS. Does that apply to sheep?

Mr. COOPER. You have already heard full testimony about sheep, and I think that the twenty-eight-hour law and the objects sought to be obtained by the twenty-eight-hour law are less adapted to sheep traffic than any other line of live stock. There has been very little said about hogs, but hogs can be loaded so that they can all lie down very comfortably, and they can also be fed while en route. So there is no reason why the law should apply to them at all.

Mr. ESCH. They do not lose their appetite on account of fear?

Mr. COOPER. No; they do not. There is another feature I would like to speak of, if the committee please. It developed at a confer-

ence we had on this subject—and by “we” I mean the live-stock dealers of the country—in Buffalo last summer that a number of eastern buyers and feeders in Indiana and Ohio and Illinois and Pennsylvania were aggrieved on account of the enforcement of the twenty-eight-hour law. They stated that in their opinion—and their opinion under the circumstances would have nearly the weight of a fact—there was a collusion on the part of certain small stock-yard companies located at various points in the East and the railroads to enforce the feeding and watering of the stock at those small feeding places.

There are yards at Cincinnati and Pittsburg and Indianapolis and Cleveland and Louisville and Buffalo and Albany, and I don't know how many other places all over the country, that are incorporated companies, not owned by the railroad companies—that is, not openly owned by the railroad companies, but the stock of which companies is held by the railroad companies. Now, of course, if any means can be devised by which they can compel the unloading and feeding of stock in those yards, the committee can see very readily that the revenues of those yards and of the railroad companies would be very considerably increased, because they have to have a fee for unloading these cattle, and they have a very liberal fee for feeding them always, and this is tacked onto the expense bills and collected in the final round-up. The twenty-eight-hour law, in my opinion, also operates to deter the railroad companies from making fast time. It was necessary before, because they were making as fast time as necessary before, because they can go to the law and say to the shippers, “The law compels us to unload these cattle, and therefore we have to do it;” and whereas it might be to their interest to do it in certain cases in the East, I doubt if that is so in the West. I mention this because every intelligent man from Indiana and Ohio, I may say, was insisting on this point. They thought unjust revenues were being deducted from traffic continually on account of this enforced feeding at small yards, and they importuned the convention to come to their assistance by trying to influence Congress to relax the provision of law.

Mr. ESCH. If this extension of the time ten hours is granted, do you think there would be a tendency at some subsequent Congress to get a further extension of it?

Mr. COOPER. Not unless conditions change; I do not believe that there would be any demand for a further extension.

Mr. ESCH. You think the maximum would be reached?

Mr. COOPER. I think the maximum would be reached, because the geographical conditions of the country and the commercial conditions from a geographical standpoint are such that anything beyond thirty-six hours could hardly be conceived of; I mean a trip beyond thirty-six hours—incarceration in the cars longer than that—could hardly be conceived of as necessary.

Mr. ESCH. Do you think there is anything in the construction of stock cars that would discourage any further extension of time?

Mr. COOPER. I was very glad you reminded me of that question. That has been asked me by some representatives of the humane society to-day—about the patent stock cars, whether or not the stock cars could be so improved as to obviate the inhumanity of the shipping of stock.

Mr. ESCH. I would like your views on that question.

Mr. COOPER. My view on that, after a very extensive experience with the railway companies, is that they have not the equipment at the present time, and can not by any physical possibility equip themselves with patent stock cars of any kind sufficient to handle the traffic in the way contemplated by the members of the humane society. The great problem of transportation nowadays is the shortage of equipment. After pressing into service everything that can by any possibility be made to do service in the way of old cars and all kinds of patented cars, they still can not get enough equipment to handle the business. So that any question of restricting the equipment to patent cars of any kind or all kinds would be utterly impracticable, in my opinion; and furthermore, the various patent cars that have been devised and put in service in recent years have not met the problem of reducing the inhumanity of shipments—they can not meet that problem on account of the conditions which have been alluded to by various shippers.

To put live stock in a car and transport it over roads at a speed ranging from 10 to 25 miles an hour is an unnatural and cruel process in any view of the case, and no railway company manager or humane officer can devise any equipment which will reduce that to a condition of comfort and security on the part of the animal. The problem is to make the procedure just as short as possible from the time the animal is started on the road to market until his consciousness of suffering is gone, make it just as short as possible, with a reasonable regard to watering and feeding, and that varies, of course, as I have said, according to the class of the animals. Take the case of young calves—what is known as veal calves. My statement is that all shipping—applied to any live stock that are not practiced, like race horses, or something like that, in the art of traveling—is cruel, and that remark applies with double emphasis to the case of veal calves.

The veal calf market demands a calf that is not old enough to eat any kind of nutrition except that which it gets from its mother. If it gets beyond that age it is rejected by the provision man as veal goods and does not sell at the high prices which veal demands. Therefore there is a large traffic in young calves from a month to six weeks old. There are more than 20,000 of them handled in a month in our market—more than that number were handled there last month. It is a species of cruelty to take those calves away from their mothers and put them on the cars and ship them to market. The way they do that is that they drive the calves with their mothers to the shipping places on the plains—that is, when it is done in large bulk on the range—and then at the shipping point they drive the mothers back to the range; their mothers have been brought in simply to enable them to bring the calves in. The calves are then put on the cars and shipped. They have not learned even to drink water, they have not the equipment to eat any kind of nutritive food at all, and it is manifestly a great cruelty to those calves to unload them at intermediate points to go through the forms of feeding and watering them and thus prolong their suffering from five to ten hours.

Mr. STEPHENS, of Texas. Do they double-deck those cars?

Mr. COOPER. They do for hogs and sheep, and I presume they do for calves. Did you ever hear of calves being loaded that way [addressing Mr. Cowan]?

Mr. COWAN. Yes.

Mr. COOPER. It is apparently a necessary article of commerce, and will probably have to be carried on; but I say that it is a species of cruelty that is much increased by the operation of the twenty-eight-hour law.

Mr. SMITH (representing the Humane Society of Washington). You say that it is a necessarily cruel operation, and the object ought to be to minimize the time?

Mr. COOPER. I say minimize the cruelty.

Mr. SMITH. Yes; minimize the cruelty by shortening the time. At the present time twenty-eight hours without food or water or rest are allowed by law in cars not provided with those things that you say are inefficient anyway. Now, would it not be possible—having in view this, and having in view what you say about the independent stock yards, that the railroads feed by slow transportation—would it not be possible by stating in the law a minimum average rate of speed—a reasonable minimum, I mean—to decrease that bad condition?

Mr. COOPER. As I stated a few moments ago, I believe any kind of legislation would be inefficient to fix the rate of speed at which railroad companies should operate their trains. I do not believe it can be done by a statute. It may be that it can be done in a long process of time, but the people are not educated up to it at the present, and it would be a great hardship on railroad companies, so great a hardship that I doubt if a law of that kind could be enforced.

Mr. SMITH. About what is the average rate of speed at the present time?

Mr. COOPER. On runs of from 200 to 300 miles and upward I think that a speed of from 15 to 18 miles an hour would be considered reasonable time.

Mr. SMITH. And you think that is about the average actual time?

Mr. COOPER. Actual running; but, of course, when they are unloaded and the train is broken at division points it may add to the time.

Mr. SMITH. In that connection you state that trains at the present time are exceedingly long, and on some of the trains stock cars are mixed with empties that are being returned. Would it not be possible by shortening those trains somewhat to avail of shorter switches—because a long train of that kind must go to a long switch in order to pass another train—and would it not be possible in that way to make better time?

Mr. COOPER. That is getting into a question of railroading. I think we have a railroad man here with us who could possibly answer that question, but my opinion is that the economics of railroading are down to such a fine point and that there is such a burden upon railroad managers, standing between the public on one side and their stockholders on the other, to reduce the expenses of service and so reduce the tariff charges, which they are compelled to do often by law, that it would be impracticable to expect them to shorten their trains and increase their time, unless there was some compensation for doing so in the way of higher rates.

Mr. SMITH. Well, the bill at the present time limits the time in which they can carry stock over a road, but it has not specified any rate at which they should carry it. Your testimony, as I understand it, is to the effect that in the East, at least, the impression has gone

abroad that the railroads, in conjunction with some of our private stock yards, have delayed train shipments in order to feed these stock yards.

Mr. COOPER. That was the testimony brought out in Buffalo last summer.

Mr. SMITH. In view of that, would it not be advisable to establish some minimum fixed rate per mile?

Mr. COOPER. A speed rate?

Mr. SMITH. Yes.

Mr. RODENBERG. Do you mean a speed rate while actually running, or the amount of time to be occupied in the whole run?

Mr. SMITH. In the whole run.

Mr. COOPER. It would undoubtedly be entirely competent, and it might be a useful thing to enact such legislation, but the contingencies of railroading are so great and so hard to understand in a legislative body and among administering officers, prosecuting attorneys, and the like of that, that I doubt if it could be effectively enforced.

Mr. HIGGENSON. The best way, then, if you might make a minimum rate, would be to provide by law that there should be no contingencies.

Mr. COOPER. Yes; that would be an excellent solution of the whole problem.

Mr. GAINES. In view of what you said about a shipment of veal calves, would you advise that they be exempted from the law altogether and not be unloaded until they reach their destination—as you say they do not eat or drink?

Mr. COOPER. That would be my recommendation for veal calves—that they be lightly loaded—I mean, now, as a business standpoint—and run directly from their origin to destination; that is, in the case of calves under 6 weeks old.

Mr. STEVENS. The chances are that it would not be a run of over thirty-six hours, so that the general limit would probably cover that situation.

Mr. COOPER. Yes, sir. It has been the opinion of nearly all live-stock men, expressed individually and in their various conventions, that thirty-six hours would meet the exigencies of the case—the shipping.

Mr. STEVENS. Would it not be impossible to make a time limit, for the reason that the State laws, the State commission in different States, give priority to passenger traffic over all freight traffic?

Mr. COOPER. I started to say at one time here that that is one of the conditions that come in in the railroad man's problem. At the present time Congress is insisting very strenuously, and wisely, I think, on fast mail transportation. There are certain special mail trains that are operated now from New York to Denver that have the right of way over everything, and everything is compelled to clear the main track fifteen minutes in advance of those trains. Now, for instance, from Kansas City to St. Louis, on the Missouri Pacific Railroad, which is a fair illustration, there are 27 passenger trains a day passing between those two cities on a single-track railway, and the committee can readily understand the difficulties that that management would have in running a stock train on a fast schedule against an assault of that kind and keeping it out of the way of the passenger trains.

Mr. SLAYDEN. Touching that question of my colleague, Mr. Smith, as to the shipment of veal, the interest of the shipper, in view of the fact that they can not be fed and watered in transit, forbids, I fancy, in practice, the shipment of veal from any very great distance to the market.

Mr. COOPER. Yes, sir; they come from Texas principally, and Indian Territory and Oklahoma, and the Panhandle country of Texas, we call it, in large droves.

Mr. SLAYDEN. All that territory requires that they shall be taken out?

Mr. COOPER. Yes; under the operation of the twenty-eight-hour law.

Mr. SLAYDEN (continuing). And fed and watered, although you can not actually make them eat or drink?

Mr. COOPER. That is the fact.

Mr. ESCH. What views has the Department of Agriculture entertained in regard to this proposition?

Mr. COOPER. Personally I have had no conference with the Secretary on that subject, but one of our committees reported that he said that the rigidity of the law was such that in cases where it seemed to be absolutely necessary to run stock for a few hours longer in order to get it to a place where it could be fed and watered he would not be a party to a prosecution. It was so quoted to me by one of our committees.

Mr. COWAN. I heard his statement.

Mr. STEPHENS, of Texas. I would like to ask this question also. You are acquainted with the range conditions in the West?

Mr. COOPER. Yes; fairly well.

Mr. STEPHENS, of Texas. Is it not a fact that the cattle there are used to drinking out of streams and ponds and feeding on green grass?

Mr. COOPER. Yes.

Mr. STEPHENS, of Texas. And when they see a trough, and when they are given hay to eat, they do not take to it?

Mr. COOPER. That is true. When they are very hungry they may eat, but the same argument applies to that kind of cattle that applies to young calves.

Mr. STEPHENS, of Texas. And young sheep, too?

Mr. COOPER. Yes, and to sheep, on account of their timid and wild disposition.

Mr. STEPHENS, of Texas. They do not know anything about troughs or about eating hay?

Mr. COOPER. No; they do not.

Mr. BURKE. To what extent are the patent stock cars used in the transportation of live stock?

Mr. COOPER. All I can say is that they are used to the extent of the supply, and I think a very large per cent—well, your question might be taken in two ways. If you mean private car lines—patent private cars used by private car lines—then there are perhaps 50 or 60 per cent; but patent cars that are made and owned by the railroad companies, that do not belong to separate companies, would include nearly all the cars in service for the transportation of cattle. There are patents of some kind on nearly all those cars—patents regarding feeding, or watering, or ventilation, or something.

Mr. BURKE. The improvement of cars minimizes the cruelty to some extent, does it not?

Mr. COOPER. Yes; to some extent, but not to a very great extent.

Mr. BURKE. When was this twenty-eight-hour law enacted, if you know?

Mr. COOPER. About ten years ago, I think.

Mr. COWAN. In 1873.

Mr. COOPER. Judge Cowan says 1873. But it was never brought to the attention of the people; it remained a dead letter until about June, 1894.

Mr. BURKE. The facilities for shipping live stock are very much improved over what they were thirty-two years ago, are they not?

Mr. COOPER. The facilities are very much improved, but improved service has been—that has been counteracted for economic reasons which I have already stated.

Mr. SLAYDEN. Mr. Cooper, practically, as a matter of fact, are the feed troughs in these so-called "patent" cars of much advantage in the shipment of cattle? Take range cattle, do they eat and drink in transit in those cars to any appreciable extent?

Mr. COOPER. No; not range cattle. They can not do it at all; they can have no water, but they can eat.

Mr. SLAYDEN. Do they eat to any extent?

Mr. COOPER. If they know how to do it.

Mr. SLAYDEN. Do they?

Mr. COOPER. Native cattle do, but I do not believe range cattle do, except when they are very much pushed by hunger. We usually order all of our cars hayed in forwarding cattle from Kansas City east, and we think that is an advantage to them; but the watering is a humbug pure and simple. They can not be watered.

Mr. BURKE. Did I understand you to say that you are a member at the present time of some humane society in Kansas City?

Mr. COOPER. For a number of years, I think as much as ten years, I was a director in the Kansas City Humane Society. For the last two years I have not been an officer in that society.

Mr. BURKE. Has that society, do you know, taken any action on this proposed legislation; and if so, what?

Mr. COOPER. If it has, I have not been advised of it. One of the most useful humane men in our part of the country, Edmund R. Weeks, is president of the society, and any inquiry addressed to him would be promptly responded to.

Mr. BURKE. I understood you to say that at Buffalo, within a couple of years, you opposed this proposed legislation?

Mr. COOPER. Yes; not because I was in favor of the law as it stands, but because I thought it had not been tested long enough to bring out the possibilities and facts of it.

Mr. SLAYDEN. You asked for delay merely?

Mr. COOPER. Yes; I was unwilling for the convention to put itself on record at that time. They did it, however, over my minority leadership, because there were men there better posted than I was, evidently. My instincts have run along the line of humanity to animals, and I was unwilling to oppose that law until it had been tested, until the most thorough test had been given the law. It would require an enormous outlay of money, running way into the millions of dollars, for the railroad companies to equip themselves to comply with

the spirit of the twenty-eight-hour law. It would require such a large outlay of money that under present conditions I am satisfied they will not do it.

Mr. ESCH. Many shipments are entirely within States, and therefore subject to the jurisdiction simply of State laws. Do you know of any prosecution instituted by either a humane society or a railroad company or a shipper because of inhumanity to stock?

Mr. COOPER. I do not now recall a case of that kind; no, sir.

Mr. STEVENS. Is it not a fact that it is to the interest of the railroad companies that those trains should get to their destination and the stock unloaded as soon as possible, so that they can release the cars and send them back for other business?

Mr. COOPER. Yes; it certainly is.

Mr. STEVENS. Then what reason would there be why they should keep the cattle on their hands for an unusually long time? Why should they desire to do so? Is there any reason at all?

Mr. COOPER. Yes; because speed means expense to the railroad company, and they delay in handling the traffic and handle it in a leisurely manner only so far as considerations of economy may dictate. Of course it is to their interest to get the stock over the road, the money earned, and the cars returned to earn more money as soon as possible, and to make fast time over a road requires the holding out of other traffic, and it requires great expense in various ways, and the railroads are unwilling to incur any unnecessary expense.

Mr. STEPHENS, of Texas. Is it not very often the fact that they bring suits for unnecessary delay?

Mr. COOPER. Frequently so. In the case I cited, the Emporia case, the Santa Fe Railroad people paid our people some \$300 for that delay.

Mr. STEPHENS, of Texas. Then to protect themselves they are compelled to handle cattle as fast as possible?

Mr. COOPER. Yes; that is what they wish to do, certainly.

Mr. STEPHENS, of Texas. And they pay damages unless they do it—that is the rule, is it not?

Mr. COOPER. It is the rule to ask for damages.

Mr. STEPHENS, of Texas. And they often get them, too, do they not?

Mr. COOPER. They often get damages, but it is pretty hard to make the railroads pay damages simply for delay. In case of accident there is no trouble to collect damages from a railroad, but a mere delay claim can not be collected so easily. The claim agent will generally refuse to allow the claim.

Mr. STEVENS. Mr. Slayden, do you wish to be heard?

**STATEMENT OF HON. JAMES L. SLAYDEN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS.**

Mr. SLAYDEN. I thank you for the suggestion; but my colleague, Mr. Moore, in addition to his Congressional duties, is also a ranchman and knows more about the raising and shipping of cattle and the advantages or disadvantages of this proposed legislation than I would know after a long-time study. I want to say that I represent an important cattle-growing and cattle-shipping constituency, and

without an exception those gentlemen, who are humane and intelligent, desire the enactment of this legislation, because they believe that it will enable them to put their cattle into market in a better condition and to make a larger return to them for the investment of their money in the industry, and I would prefer, Mr. Chairman, that the questions you or the committee desire to ask should be addressed to Mr. Moore, who is a shipper as well as a member of Congress.

STATEMENT OF HON. JOHN M. MOORE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS.

Mr. MOORE. Mr. Chairman and gentlemen of the committee, I do not know that I can add anything to what has been said. I heard Judge Cowan's statement this morning, and I want to add my indorsement to what he has said, so far as this change in this law applies to Texas. I am a cattle raiser of south Texas, as well as a member of Congress.

Mr. STEVENS. For what length of time have you been engaged in that business?

Mr. MOORE. For about twenty-five years I was a cattle raiser. However, I have never shipped a great many cattle to the big markets; I have usually sold at home, and let a buyer ship to market. However, I have had considerable experience in shipping and handling cattle, probably on an average of 40 or 50 carloads a year, probably more than that, and I do not believe that the extension of this twenty-eight-hour law to thirty-six hours will work any hardship on the cattle, and it will certainly be a great advantage to the owner and shipper. It would be of far more injury to unload the cattle and reload them than it would be to keep them on the cars for, say, thirty-six hours, and carry them on to the point of destination. Then, as I said before, as a cattle raiser and a member of Congress, I wish to add my indorsement to the statement that has been very clear, and a very true statement of the facts, made by Judge Cowan.

Mr. BURKE. You are a cattle raiser exclusively?

Mr. MOORE. Yes. Well, I am a farmer to a small extent; also a planter, but cattle raising is my principal business.

Mr. SLAYDEN. It is your opinion as a shipper, is it not, that cattle carried a few hours in addition to the twenty-eight—

Mr. MOORE. Would not hurt them. I think the half wild or range cattle can go thirty-six hours without any water without any difficulty.

Mr. SLAYDEN. And arrive in better condition than if taken off and fed and watered?

Mr. MOORE. Yes.

Mr. STEPHENS, of Texas. Is it not a fact that on the western ranges the cattle go to water only about every third day?

Mr. STEVENS. Every third day?

Mr. STEPHENS, of Texas. Well, every second day.

Mr. MOORE. I have seen that prevail in dry times, that they would stay away from watering places for two or three days.

Mr. STEPHENS, of Texas. Have you observed the actions of wild cattle when they are driven into a pen where there is water? Do they drink when they are driven into pens where there are troughs?

Mr. MOORE. It is a very rare thing to see one drink. Of course,

where they are raised in pastures where they have windmills and troughs and they are accustomed to drinking out of a trough, then, of course, if they are thirsty they will drink when put in a pen.

Mr. STEPHENS, of Texas. But the ordinary wild cow that drinks out of lakes and ponds?

Mr. MOORE. Very few would drink out of a trough unless they were very thirsty.

Mr. STEPHENS, of Texas. Are they accustomed to being fed?

Mr. MOORE. Oh, no; in my section of Texas they depend entirely on the natural grasses and the pastures for feed.

Mr. STEPHENS, of Texas. And when feed is furnished them it is hard to get them to eat at times?

Mr. MOORE. They have to learn to eat. When you undertake to feed a herd of cattle it takes some little time before they learn to eat hay or cotton-seed products or corn.

Mr. STEPHENS, of Texas. That is, when you unload from the cars a carload of these wild cattle raised on the range and turn them into a pen where there is water and feed it is hard to make them either eat or drink?

Mr. MOORE. It is, until they become very hungry, and I think that time would be—

Mr. STEPHENS, of Texas. Not during that trip, anyway.

Mr. MOORE. Longer than thirty-six hours.

Mr. STEPHENS, of Texas. It goes on the old principle that you can take a horse to water, but you can not make him drink.

Mr. MOORE. Yes.

Mr. STEVENS. Mr. Stephens, do you desire to address the committee?

**STATEMENT OF HON. JOHN H. STEPHENS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS.**

Mr. STEPHENS. Mr. Chairman and gentlemen. I fully indorse everything that has been said by these range men. They are cattle raisers and understand what they are talking about. I represent 48 counties in Texas, including the Panhandle, the largest district in the United States, unless it is Judge Smith's district, and I think it is superior to that, although of course he would differ from me there. My people are universally opposed to this twenty-eight-hour law. They think there ought to be some latitude given in the matter, so when they get within a short distance of a destination they will not have to be sidetracked and delayed in order to go through the watering and feeding process. Gentlemen, I indorse everything that they have said.

Mr. STEVENS. Judge Smith, would you like to be heard?

**STATEMENT OF HON. WILLIAM B. SMITH, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS.**

Mr. SMITH. I do not know that I can add anything to what has already been said by these gentlemen who are experienced in the cattle business. I am not in the cattle business myself, but cattle raising and cattle shipping are the principal industries in my district. I know this to be a fact, that there is a universal demand

among the cattle raisers of western Texas for a modification of this law, and it seems that they have agreed definitely upon thirty-six hours as the proper time to which to extend the provisions of this act that is now under consideration. I desire to say that, in my judgment, it would be unwise to couple with this measure any provision fixing the speed of trains in the shipment of cattle.

In the first place, it would seem to be impracticable to make a hard and fast rule of that kind—to legislate any particular rate of speed that a train should run. On the other hand, I do not believe that it is necessary. The self-interest of the transportation company would dictate that they put the cattle into market as soon as possible, not only in order to get rid of the business and to put the cars to other use, but to save themselves from damages. I have had a great deal of experience in the courts of Texas and in the trial of suits for damages against railway companies for failure to transport cattle with due diligence, and I know that as a general rule in cases where the railroad companies failed to transport cattle with due diligence and make prompt delivery they are required to pay damages. The suits nearly always result in cases of that kind. So I say myself that it would be unwise to undertake to couple on to this measure a provision of the kind.

I believe, Mr. Chairman, that is all I desire to say to the committee on this question.

Mr. STEVENS, of Minnesota. The committee is very glad to have heard you.

Mr. RODENBERG. We do not want to trespass on the time of the committee too long, but we will be very glad if the committee would hear a brief statement from Mr. Keechler, who is the president of the National Live Stock Exchange, and who lives in my home city of St. Louis—and that ought to be a sufficient recommendation.

STATEMENT OF MR. A. W. KEECHLER, OF ST. LOUIS.

Mr. KEECHLER. Mr. Chairman and gentlemen of the committee, while being president of the National Live Stock Exchange, I am also a member and salesman of the Cassidy Southwestern Live Stock Commission Company, and a member of the Club Land and Cattle Company, whose ranch is in Archer County, Tex.

St. Louis handles nearly 60 per cent of the cattle shipped out of Texas. I have lived on the range and slept out on the ranches and followed cattle to market. Judge Cowan and Mr. Moore have fully covered all these questions, and I would like to ask a favor of the committee, if consistent. At our meeting of the National Live Stock Exchange, held at Buffalo, we appointed Mr. Levering, of Chicago, and Mr. Bernard, of Pittsburg, and Mr. Rosson, of Fort Worth, as a committee to appear before you at this hearing. For some unknown reason they are not here. Inasmuch as they are not here I will say that at that meeting Mr. Levering introduced a very able paper, the subject of which is the operation of the twenty-eight-hour unloading law. This paper is not very lengthy; it was read and indorsed by our meeting.

Mr. STEVENS, of Minnesota. In what way indorsed?

Mr. KEECHLER. As being the proper thing, as meeting the views of the live-stock interests.

Mr. STEVENS, of Minnesota. That it was the sentiment of the convention?

Mr. KEECHLER. Yes; and, if consistent, I would like to have this incorporated as a part of my statement.

IS THE OPERATION OF THE TWENTY-EGHTE HOUR UNLOADING LAW HUMANE?

On the 3d day of March, 1873, Congress passed an act to regulate the shipping of live stock, and the same at once became a national law. The exact text of it reads as follows:

"Sec. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented from unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

"Sec. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners, or masters of boats or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

"Sec. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

"Sec. 4389. The penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court of the United States holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates to prosecute all violations which come to their notice or knowledge."

In support of the passage of this law members of the important humane societies throughout the country were zealous and insistent. They had the cooperation of many leading humanitarians. The reasons given at the time for its passage were in the main true and of sufficient importance to convince a majority of the House and Senate to vote in favor of the bill.

Admitting to be true that the conditions then justified the enactment of such a law, the enforcement of it after a period of thirty-two years seems unwise and entails discomfort and cruelty in a majority of cases, rather than to give relief, as contemplated by the text of the law.

The third of a century last past has shown such wonderful changes in everything relating to the subject that it is difficult to draw a mental comparison and make the contrast of things then and now far enough apart.

It is indisputable that in those pioneer days of live-stock transportation shippers encountered greatest difficulties. The equipment owned by the railroad was meager, was limited and primitive. You do not have to be persuaded that the cattle and the men were wild, uncultured, and each exerting all the brutish force of their untamed natures to conquer or destroy. Stock cars then were about 28 feet long, with old rubber springs that soon became hard. Ordinary box cars were generally used; the roadbeds were rough and poorly ballasted, light rails and excessive grades. Trains were coupled with long links and pins, causing tremendous impact at every moment of the journey. Old wood-burning engines on the western roads, slowly dragging along their load. No wonder

that such a law was passed in 1873. Only think, that time was before air brakes, telephones, electric lights, and thousands of our modern conveniences were known.

Then the circumstances were manifestly different from to-day. The railroads were poor, very poor; the service was incompetent, the accommodations for live stock and people were crude and uncomfortable.

But it is now all changed. The cattle are more domesticated and accustomed to standing in stalls or sheds; the men who handle them are more humane and considerate, if not for the feelings of the animals, at least have learned that abuse causes bruises and that means pecuniary loss. The railroads have abundant equipment, are supplied with the most humane, comfortable, and convenient stock cars that money can buy or human invention devise.

There are three essential features of every law: The passage of it, the construction of it, and the enforcement of it.

A law passed may be a good one, the construction of it unwise, and the enforcement of it unjust.

The law now under consideration, though on the statute book a third of a century, has never been operative or enforced until within a very recent period, while the necessity for imposing its penalties have relatively declined as the time advanced since its adoption. The demand that the authorities give their attention to this innocuous law was not made by the individual shipper or the railroad, and these are the two most interested parties. Has it been borne up to the light of legal investigation on the recent wave of reform that is sweeping over our land, or has it been revived by selfish competition, or by the tender compassion of needed intervention?

The man who is no better than the law makes him is no better than the devil would have him, and such a man is not worthy of confidence or consideration.

It needs no apprenticeship for the shipper to learn that an animal must arrive at its destination in market in prime condition to command a prime price, and in best shape to bring the best price. He being the party financially interested, will also be the most humanely interested. He will demand that his stock is properly cared for, fed, and watered, and if it is not he needs no good Samaritan to suggest redress, nor a friendly lawyer to advise what are his rights, nor any official power to offer relief. He acts independently and at once, and demands damages from the railroad that gives bad treatment to his stock. Over 150,000 claims were filed against a single road during the past year. So it is apparent that many there are who keep the roads mindful of their duty to the animals, the service, and the humble shipper, who generally knows more law about rights against railroads, local and interstate, than most eminent corporation attorneys, and he does not have to dictate his complaint to a typewriter, but he makes it direct, quick, and emphatic to the claim agent, and all others he meets, whether connected with the road or not. There are no deferred hearings, no amended answers, no referendum. He often gets his money by return mail and is not obliged to acknowledge receipt thereof.

In 1897 the Department of Agriculture sent out a notice to all railroads that complaint had been made that the law regulating time of unloading was not being complied with, and advising that the failure to comply with the provisions of the law would render them liable to the penalties provided in section 4388.

Immediately following this notice the Texas Cattle Growers' Association held a meeting in San Antonio and protested against the enforcement of the law, and the following year, 1898, the National Live Stock Exchange, a federation of all the live-stock exchanges in the United States, adopted resolutions setting forth convincing arguments why the twenty-eight hour law was not humane, but the contrary, and asked that Congress be petitioned to extend the time to forty hours instead of twenty-eight. A few pertinent reasons expressed in those resolutions are these:

"That it is found from actual experience that consequences incident to the law enforcement are in direct violation and contradiction of the humane measures for which it was framed, and that the twenty-eight hour section operates more in the direction of cruelty to animals than it does to overcome and prevent inhumanity."

"That inhumanity to cattle is necessarily followed by immediate depression in value, both as affects their general appearance, and loss in weight upon arriving at market.

"That the prevalent theory that owners would permit their cattle to suffer famine and water for the purpose of a stuffing process by way of a 'fill' at the market destination is entirely inconsistent with the experience of good judgment and common sense."

It too frequently occurs that when people are aroused they express sympathy with what to them seems a needful betterment of conditions or amelioration of suffering without having first traveled the route or taken advice from those whose experience entitles their statements to credence.

The shippers of cattle, sheep, and hogs, and the commission men who receive them and put them on the market are a unit that the twenty-eight hour law is unwise, unjust, inhuman, and impracticable. There are hundreds of men whose opinions are the very highest authority who confirm this statement, and they have a high regard for everything that promotes kindness to all stock and prevents harshness, neglect, or cruelty to animals. It is no kindness to unload hogs en route. They are comfortably provided for. If the distance is great and the weather hot, the hogs are put in long stock cars, well ventilated, and bedded with wet cool sand. Feed and water are provided for them in the cars. If they are unloaded, in nearly every instance, several hogs die from exposure in the unsheltered railroad yards.

When cattle are unloaded they are usually put in muddy yards, do not have shelter over them, and they come into market very much depreciated. At these small country unloading places the chutes are usually steep, and the cattle are forced to go out and into the cars again, and are many times bruised, which is always a loss to the stockman.

The country is so large and the hauls so far that it is next to impossible to have proper stations for taking care of animals at or near twenty-eight hours from time they were loaded.

An ordinary case in point may be cited, having occurred within the past few days: A train of cattle were loaded in western Iowa and billed for Chicago. They started Wednesday evening to arrive in Chicago Friday morning, to be sold upon arrival. As they could not be delivered in less than thirty-four hours, they were unloaded in twenty-six hours, or Thursday evening. After resting five hours they could not arrive in time for Friday's market, and, there being no market Saturday, they had to be kept in the pens until Sunday evening, and arrived Monday morning for market. The pens in which they had to stay were very filthy, being deep in manure and mud, as it rained nearly every day. The cattle were discounted at least 50 cents per hundred pounds in the price, and their loss in weight was very large. The loss in such a case would be nearly \$200 per car, and amount to all the profit the feeder might have for his season's feeding.

It is not recommended that the entire law should be repealed, but if it could be amended to forty hours, instead of twenty-eight, it would be practicable. All railroads that are continuously carrying live stock should be required to provide suitable pens, with arrangements for water and feed, but railroads that have only two or three cars in a year could not be expected to have such accommodations.

Section 4388 wisely provides that stock may be indefinitely en route, when loaded in cars "that have proper food, water, space and opportunity to rest." So that shippers should order stock cars that have equipment of that character when it is necessary for the stock to be more than twenty-eight hours in transit.

The railroads are now provided with such cars that are very comfortable and complete, and will be glad to furnish them to shippers when proper application is made, and forty hours in these up-to-date cars is not as fatiguing as twenty-eight hours a few years ago in the old cars.

In recommending that this law be not enforced strictly according to its text, that it would be more cruel than just, it is not a reflection on our predecessors that formulated it, nor is it charged that they were necessarily mistaken and inexperienced. Conditions of that period doubtless justified the legislation in the interest of humane measures. But what was the need of that day, thirty-three years ago, is not the same now. A broader experience, enlarged facilities, improved equipment on the part of the transportation lines have kept parallel with the unprecedented growth of a better civilization, wiser protection of domestic animals, and the widely diffused education that humane and gentle treatment is due to animals and dependent beings makes the operation of this law without justification.

Mr. KEECHLER (continuing). I think nearly all the questions have been covered. In the matter of shrinkage, our cattle begin to shrink from the time we take the first step toward shipping them to market. It is not like gathering peanuts. When we make a shipment of cat-

tle we aim to make a certain market. In other words, if we load cattle at 9 o'clock on Saturday morning, before the operation of this law, we were able to make the market Monday morning. The making of a market to cattlemen in many instances is a very important thing, and if we do not make it it means a big loss. We have had very few rises in the markets; the markets have generally been low, as you know, and the producers have lost money.

Mr. STEVENS, of Minnesota. What does that mean to the cattle in the meantime?

Mr. KEECHLER. It means a whole lot to the cattle; the cattle are shrinking while they are getting to market. They tell us that we must have our cattle ready at a certain time, so when the train comes along the cattle are ready to go without delay. That means we have to load the cattle very often and let them stand for five or six hours before they start; and it may be even longer than that; and all that time is counted against us. Now, it is a sure fact that these range cattle, after being fed on grass, will not eat hay, and they won't have anything to do with a water trough. They have learned to drink at ponds and creeks and in ravines, where we throw up dams and stop the water where we can do it; and when they are put in these pens, as has already been explained by other speakers, they will not touch the water.

Mr. STEPHENS, of Texas. I would like to ask you this question: You have attended cattle on the train?

Mr. KEECHLER. Yes.

Mr. STEPHENS, of Texas. Very often they are shipped to market when the weather is very cold?

Mr. KEECHLER. Yes; in the winter time.

Mr. STEPHENS, of Texas. Then is it not a fact that cattle penned up in the cars that way warm each other and are in a better condition if kept in the cars than they are if put out in a cold pen in a storm?

Mr. KEECHLER. Yes; that is very true. Also, in regard to loading cattle, it is absolutely necessary in loading these wild cattle that they be comfortably loaded; that is, so they will not be jerked off their feet by rough handling of the train, by the train's starting up suddenly and jerking them. When the train is jerked in that way if they are not loaded right they are often knocked down. The principal difficulty is in unloading them and loading them, getting their legs in between the platforms, for instance, when they are taken off or on the train. In unloading these cattle at some of these places, especially where they are not prepared to take care of any large number at a time, four or five carloads of cattle will often be crowded into a place where only one load ought to properly be placed, and these cattle then fight among themselves and injure each other. They are used to roaming around and having plenty of room, and when they are crowded in that way they fight and gore each other and get bruised up, and of course that means a pecuniary loss to the shipper. A shipment may be made to Armour & Co., for instance, and the cattle may arrive in a bad condition, owing to that kind of handling, and the meat is damaged, and that buyer will be a poor buyer for the same shipper after that; he will prefer to get somebody else's cattle.

Mr. STEPHENS, of Texas. What is the condition of the shipping pens that those cattle are unloaded in?

Mr. KEECHLER. Of course that depends largely on the condition of the weather. I think the railroads try to have them in as good shape as possible, but, of course, they are in the open air, exposed to the weather, and so the pens often become very muddy. You mentioned the fact that these pens often are knee-deep in mud, and if they once get that way they generally continue that way, because cattle are continually being unloaded, and there is no way of cleaning them out.

Mr. STEPHENS, of Texas. And they are not covered, are they?

Mr. KEECHLER. None of them are covered that I know of.

Mr. STEPHENS, of Texas. I never saw any of them that were covered.

Mr. KEECHLER. About this twenty-eight-hour law, I want to say that they count the time against us from the minute we load our cattle. I know several instances where we have shipped to St. Louis and have almost reached our destination with the cattle and they have been sidetracked and stopped for feeding and watering. The terminal facilities there are at East St. Louis, which is about 7 miles from St. Louis city—that is, the live-stock market is on the east side of the river—and I have known instances where they have arrived in St. Louis, on the west side of the river, within the twenty-eight hours, but they have refused to accept the cattle and take them through to East St. Louis on account of the time limit being about out, and they have forced us to unload those cattle at the Union Stock Yards. Of course they would have no sale there, and they would be held there five hours and then they would have to be loaded again and taken over the river.

Mr. RODENBERG. Sometimes they might arrive there and it would only be a difference of one hour, and they would have to be unloaded; whereas if they could keep on the cars one hour more they could have been delivered at their destination.

Mr. KEECHLER. Yes. Something has been said about cattle getting down in the cars. The object of loading them compactly is to keep them from getting down. A steer gets up differently from any other animal that I have ever seen; he gets up on his hind quarters first, and if they are not loaded compactly they are apt to injure themselves, and most of the cattle that are crippled you will find are crippled in the stock yards, especially these wild cattle. In slippery weather when they are turned out in the alley they run down the alley, and although it may be nicely paved, if there is ice on it, a steer is apt to spread out, and in cases of that kind he is unable to get up, and he injures himself and he has to be disposed of at the best price we can get.

Mr. BURKE. As a general thing, would not a stockman or a stock shipper, if there were no restrictions at all as to the length of time that cattle might be on the cars, handle his cattle with a view to their least damage?

Mr. KEECHLER. Absolutely; yes, sir. Before this law was enforced we were able to ship our cattle over the Frisco road, for which Mr. Mulhall is the live-stock agent, with only one unloading, and it was the same way over the M. K. and T. Railroad; we only had to unload them once over that road, and that was at Muscovee. Now we have to unload them twice on both roads. This run of 500 miles, from the

last unloading place, could be made in thirty-two hours. On the M. K. and T. now we have to unload at Muscovée, at Parsons, and at Sedalia. We used to unload simply at Parsons; now we unload at Muscovée and Sedalia or at Parsons and Sedalia in order to make the market, and, as I say, sometimes three times. There is always a shrinkage of cattle in sending them to the market. There is a natural and an unnatural shrinkage. The first shrinkage is the natural shrinkage of the stomach, and the longer you keep them out of course the more they shrink. No one is more interested than the shipper in getting his cattle to market in good shape. The idea in asking for thirty-six hours is not that we are going to insist that the cattle shall have the full thirty-six hours time to get to market, but when those conditions arise, the conditions I have described, we would prefer to have control of the situation.

Mr. COWAN. You see to the buying business entirely, do you?

Mr. KEECHLER. Yes, sir.

Mr. COWAN. You are connected with a firm of commission men at St. Louis?

Mr. KEECHLER. Yes, sir.

Mr. COWAN. Have you been salesman for that firm?

Mr. KEECHLER. I have been salesman—I have been salesman for Texas cattle for twenty-five years.

Mr. COWAN. I will ask you whether it is a fact or not that the buyer for the packers can tell the minute he lays his eyes on cattle how they have been treated in transit?

Mr. KEECHLER. Yes; almost every instance—that is, in the case of southern cattle, if they arrive bruised up, they can tell by the appearance.

Mr. COWAN. Is the actual injury to cattle by having been unloaded more than is proper in such a shipment as from Fort Worth to St. Louis—that is, when they are unloaded twice instead of once, as they ought to be—at once discernible by the buyer?

Mr. KEECHLER. In almost every instance; yes, sir.

Mr. COWAN. And what produces their injuries—loading and unloading?

Mr. KEECHLER. The handling and unloading and fighting and hooking one another.

Mr. RODENBERG. In unloading do they not use prods?

Mr. KEECHLER. Yes; they use prod poles. That is about the only way they can handle these cattle, and the cattle are very wild when they are loaded and unloaded—very wild; they run them up into the chutes and they crowd together, and in their anxiety to get away from this prod they climb over each other and resort to every effort to get away, and in doing so they bruise themselves. I don't know how you could escape that. We object to the handling and we pass laws at the stock yards insisting that this treatment should be more humane, but at the loading chutes along the roads of course they have a lot of inexperienced men, and it is hard to keep them from handling the cattle roughly.

STATEMENT OF MR. E. C. STRINGER, OF ST. PAUL, MINN.

Mr. STRINGER. Mr. Chairman and gentlemen, I am connected with the stock companies raising stock in the Dakotas and Montana and

shipping cattle, and I am also a member of the Humane Society of St. Paul. I also had from the years 1895 to 1899 (I am not exactly sure of the years, but I think I have stated them correctly) the necessity forced upon me of investigation and prosecution for the violation of the twenty-eight-hour law.

Mr. STEVENS. That is, you are the United States district attorney for Minnesota?

Mr. STRINGER. I was United States district attorney for the State of Minnesota during that period of time and during a part of which the Department of Agriculture was insistent upon prosecution of cases for the violation of this law, and numerous investigations were made under the supervision of that Department, and either under my personal supervision or my assistants in the office at that time.

I do not desire to detain the committee at all with any statements of conditions of affairs, for the reason that I want to indorse every word that Judge Cowan has said with reference to the conditions prevailing in the North, as he describes them to prevail in the South, and to say that from my personal knowledge of affairs there, also as a member of the humane society, with a knowledge gathered from observation, investigation, and personal experience, I can indorse the provision of any law that will extend the period from twenty-eight hours to thirty-six hours, believing that the greatest inhumanity to those dumb brutes is occasioned by the frequent removals, which become unnecessary if the time that they are en route is shortened and making the limit thirty-six hours in place of twenty-eight hours. It lessens the period of time that they are en route. But our experience has shown that the injury, that the cruelty which has been forced upon these dumb brutes is more in the taking from the cars and putting them back into the cars than it is from the additional eight hours that would be the period of time in which they would be on board in case of the extension of this period.

The recent enforcement of this law has been referred to by several gentlemen. I think that possibly the investigation and prosecution during 1894 to 1898, under the provisions of this law, in Minnesota and North Dakota gave to the Department something of the information with reference to the hardships of the strict literal enforcement of that law, and if the conditions had not been succinctly and clearly stated by Judge Cowan I should have asked the committee to be allowed to give something of the details of the conditions there; but the conditions, save only that of the winter time, when the mercury oftentimes gets down to 25° and 30° below zero, are practically identical with those as stated to exist in the South.

Mr. STEVENS. What is the shipping period in Montana and Dakota?

Mr. STRINGER. They are fed in the summer time, and they are started out in the fall and in the early part of the winter, and sometimes their shipment is continued through until late in the winter. It has frequently occurred that shipments of stock have been made with conditions there which made it almost perilous, so perilous to the life of the cattle to unload them from cars and load them again, because there are only some four or five points between Montana and St. Paul where they can be unloaded——

Mr. STEVENS. What is the distance from the Montana ranches to St. Paul?

Mr. STRINGER. About 1,400 miles.

Mr. STEVENS. What is the distance from St. Paul to Chicago?

Mr. STRINGER. It is 420 miles.

Mr. STEVENS. You mean by that the suffering of the cattle is by taking them from the cars?

Mr. STRINGER. Intense suffering is caused by it.

Mr. STEVENS. And to put them out in the storm where they are separated from each other?

Mr. STRINGER. Yes; they are comfortable in the cars, and if you take them out and drive them into a shed where there is no protection—of course it is an open shed in which they are placed—out into a storm, perhaps, with the mercury 25 or 30 degrees below zero, when they come back into the cars it is a mass of quivering, shaking flesh.

Mr. ESCH. The stock cars are open cars?

Mr. STRINGER. Yes.

Mr. ESCH. Do you think that the stock would suffer more in an open yard in the winter time than they would in an open car with the train running 15 or 20 miles an hour?

Mr. STRINGER. Yes; they would, because in the cars they are close together and they keep each other warm.

Mr. ESCH. And they are not so densely packed in the yards?

Mr. STRINGER. No; they could not be, because if that were done it would thwart the object of the unloading.

Mr. ESCH. Which is giving them a rest?

Mr. STRINGER. Yes; and an opportunity of feeding.

Mr. ESCH. In your official capacity as prosecuting officer, under the Federal statute, was it ever suggested to you to make an exception in the prosecution of the law—did emergencies arise where it was found that the prosecution was not justified, although perhaps it was a technical violation of the law?

Mr. STRINGER. In most cases the matters were first investigated by the agents of the Department.

Mr. ESCH. The Agricultural Department?

Mr. STRINGER. The Agricultural Department. They were then submitted to my office and I made as full an investigation as I could independent of their written reports, and in many instances I went outside of that. I am frank to say that I at that time was satisfied, prior to such investigations, being a member of the humane society and being diligent in the prosecution of these cases, that they ought to be prosecuted, but I do not now recall but one case in which the Agricultural Department insisted upon the prosecution of the case. It was tried before Judge Nelson, in the district court of Minnesota. It was against the Great Northern Railroad Company, and it utterly failed. The conditions were shown to be such that if they had unloaded the cars at that time within twenty-eight hours the suffering of the cattle would have been infinitely greater than it was by keeping them in the cars as they did, where it is sought to give them such shelter as is possible.

Mr. ESCH. Has there been a successful prosecution under that law?

Mr. STRINGER. Not that I know of out there; I do not know of a single case that has succeeded.

Mr. ESCH. Have there been prosecutions by your local humane society against any shippers or railroad company?

Mr. STRINGER. There have been investigations made at South St.

Paul against the companies there; I do not know of a single prosecution. I will not say that there has not been, but I do not know of a single prosecution having been brought, and there have been none brought there that have been successful.

Mr. ESCH. As an officer of the humane society, such prosecution would doubtless have come to your knowledge?

Mr. STRINGER. I am not an officer, only an humble member of the humane society.

Mr. ESCH. Well, possibly as a member, then.

Mr. STRINGER. I think it would; those matters are given a pretty full report.

Mr. STEPHENS, of Texas. I understand your society has brought to the attention of the courts several cases, but they have not been prosecuted. Is it not a fact that the grand juries have refused to return indictments for any cases?

Mr. STRINGER. I was not a member of the grand jury.

Mr. STEPHENS, of Texas. Have they been indicted?

Mr. STRINGER. They have not been, to my knowledge.

Mr. STEPHENS, of Texas. Then, could they have been prosecuted by you or anybody else without an indictment?

Mr. STRINGER. No; I presume not.

Mr. FRENCH. Mr. Chairman, there are a couple of other gentlemen who come from my State to testify before the committee, and I would suggest that the committee hear now from Mr. Fred W. Gooding.

STATEMENT OF MR. FRED W. GOODING, OF SHOSHONE, IDAHO.

Mr. GOODING. Mr. Chairman and gentlemen, my occupation is a rancher and a sheep grower—a wool and sheep grower. Also, I have shipped a great many sheep from the West in the past fourteen or fifteen years. I have been down over the road with the trains myself in a number of instances. In the first place, I might say that the gentlemen with me, Mr. Johnston and Mr. Philbrick, were selected by the Idaho Wool Growers' Association, of Idaho, which has about 630 members, at a meeting at Weiser, Idaho, last December, when there were about 400 members of that association present. This matter came up then and nearly every one of those men is a shipper over the Oregon Short Line and the Union Pacific railroads; they ship sheep to Omaha and Chicago markets. This question is of vital importance to those people and they saw fit to select a committee to come down here and try and find some way or other, to devise some means to have this bill amended to thirty-six hours and have some other provisions put in there that are necessary for the shipment of sheep.

There has been a great deal said about cattle shipment. It is useless for me to undertake to talk about cattle, because I do not know very much about cattle, although I have done some shipping of cattle also; but my observation, from seeing the cattle and knowing what I do of cattle, leads me to say that all the remarks that have been made here are very much to the point and are very true. In drafting a bill for the benefit of the shippers of live stock in this country it is necessary to take into consideration sheep as well as cattle, and also horses and other live stock. I might say that we shipped 5,500 cars

from the State of Idaho last year. You can see by that that that is quite an industry in our State. Montana, perhaps, shipped as many more; Wyoming ships as many more, and Utah and Nevada and Colorado and all those States are interested in this matter.

I am going to cite to you one instance why we should have some legislation as far as sheep are concerned, and I think you will be able to see it. A Mr. John Skillen loaded 23 cars of sheep at Ketchum and shipped them to Montpelier and unloaded them. It only took about eighteen or twenty hours to reach that point. He unloaded them there and then loaded them again and sent them on the road. He reached Rawlins, in the neighborhood of 300 miles, I think, in about twenty-three hours. Now, this is a condition that applies not only to this one shipment, but to many others. In that case the railroad company refused to haul those sheep any further than Rawlins, and Mr. Skillen unloaded them there. In that train of 23 cars there were 6,000 to 7,000 sheep. We load about 300 sheep to the car—those 36-foot cars. He was forced to unload those sheep at Rawlins, and there is no provision to feed sheep or graze sheep there.

The laws of Wyoming are such that they will not allow you on the range at Rawlins with sheep; they have regular places to unload sheep in the State of Wyoming and those places are quarantined by not allowing their own sheep in the State to come in contact with the sheep in transit. Mr. Skillen unloaded those sheep and kept them in the yard there for five hours without any feed or water. They could not water them, the sheep would not drink out of troughs, as has been stated by the cattlemen in regard to wild cattle, and the same thing applies to sheep, and even more to our western sheep; and the same thing applies as to feeding, they will not eat hay. It was thrown down to them and it was trampled under foot. As to drinking, I don't believe there was one sheep in a hundred that touched water. As I say, they were there five hours. Mr. Skillen loaded that train up then and shipped them to Laramie, 175 miles, and had to feed and water them. He did that for his own protection. The result was that the sheep were delayed so much, he having to unload them at Rawlins and keep them there five hours, and having to spend six or seven hours at Laramie in unloading them and feeding and watering them, and the result was that it took him forty-five or forty-six hours to get them to market. That is a condition that exists with us people in shipping from the West. That is one instance, and I could give you a great many more.

Mr. STEVENS. That is a condition that would obtain as to many shipments, is it?

Mr. GOODING. Yes; it did obtain to many shipments last summer.

Mr. STEVENS. Could the stop at Rawlins have been avoided?

Mr. GOODING. It could except for the twenty-eight-hour law.

Mr. STEVENS. Was there any necessity for that stop? Was there any necessity of stopping so far as the sheep were concerned?

Mr. GOODING. Absolutely none.

Mr. STEVENS. How much longer would it have taken them to run them through to Laramie in the first instance?

Mr. GOODING. About seven hours.

Mr. STEVENS. That would have made about thirty hours.

Mr. GOODING. About thirty hours. I will tell you it is one unanimous clamor in the West, wherever you go, to have this time ex-

tended, a provision adopted so we can better handle our own stock, as we should be the better judges of what they can stand and what they can not stand.

There is another matter which I wish to bring up in regard to this sheep matter. It was brought up in the matter of cattle. This will apply especially more to sheep than to any other live stock that are shipped, in all probability, and that is where the time limit has been practically used up and night has come on, the railroad company refuses to haul the train past the twenty-eight hours, and as the time draws short they stop you on a side track and unload you, as they did at Rawlins—our shipment happened in the daytime, but it often happens at night—and they make you stay there until morning, and you have to let the sheep stand up in the car. It is almost impossible to get them out of cars at night, and it is better to let them stay until daylight and then unload them. Now, we certainly should have some provision in a law or in the laws that should be passed by Congress to obviate such conditions as that. I do not believe that even the thirty-six-hour law, as it may be passed, as some of the bills recommend, would contain just what we should have.

Mr. STEVENS. What else do you want?

Mr. GOODING. I believe that the shipper should be able to say whether his stock should be able to run on or should not when he gets to such places as that—

Mr. STEVENS. That is, over thirty-six hours?

Mr. GOODING. If necessary, at night. There is no use in letting them stand on a side track if you can not unload them. I speak in reference to sheep, because sheep can stay on a car longer than cattle, because they do lie down. From three to four hours after a train of sheep has started some of them are lying down nearly all the time.

Mr. ESCH. Would your trouble be in any degree remedied if railroad companies were compelled to put in more stock yards?

Mr. GOODING. Not particularly, on account of not having proper places to put them. Last spring, in order to assist the stockmen from Idaho and other States, a committee of the sheep men accompanied them over the road, and I was chosen as one of the committee, together with a man by the name of Ormsby, a large shipper, and we went over the road with the general superintendent of the Union Pacific Railroad and the assistant traffic manager and the assistant superintendents, and we tried to find places where they could locate stock yards in such positions that we could graze our sheep. We ship nearly all the sheep from Idaho from the middle of May to the first of November, and the majority of them are shipped in the latter part of July, August, and September, and during that time sheep coming right off the range and being shipped to market, we take them out of the trains where there is a good running stream, such a place as Laramie or Montpelier, and let them herd in the stream and in the pasture, and let them rest seven or eight hours before loading them again, and that is the way we manage to ship sheep over the roads, and the only way we can do in the winter time. That committee that I have spoken of got off at Green River and several other places to look up a suitable site where all conditions would be satisfactory to the sheep men for unloading their sheep, and we were unable to determine upon any point with the exception of Montpelier.

Mr. STEVENS. You say you could not find any places?

Mr. GOODING. We could not; the railroad companies had no places good enough for us to put in the yards. Private parties had some places, but there were no places owned by the railroad that were good enough.

Mr. FRENCH. I think that we could bring out here that in the bill No. 12316 there is a provision made that in the case of shipping sheep, should the time expire at night, the company could have the privilege of hauling the sheep until morning if there was a suitable place for feeding in the morning that could be reached. That would, of course, stand; and then in lieu of the present practice of being compelled to put the sheep on a side track to wait until morning, they had just as well be continuing toward their destination.

Mr. STEVENS. That is the proviso of section 1?

Mr. FRENCH. Yes; it has been included.

Mr. GOODING. The idea is to get cattle or sheep to market as soon as you can.

Mr. STEVENS. You think that causes less suffering than to unload them at night and hold them over?

Mr. GOODING. I certainly do.

Mr. RODENBERG. Is it not dangerous to unload range cattle at night? Is it not dangerous to the people to unload them?

Mr. GOODING. I will let the cattlemen answer that. I am a sheep man.

Mr. FRENCH. Mr. Johnston, who is also a member of the committee sent by the woolgrowers of the State, is here, and I would like to have him address the committee.

STATEMENT OF MR. P. G. JOHNSTON, OF BLACKFORD, IDAHO.

Mr. JOHNSTON. Mr. Chairman and gentlemen, I have been engaged in the live-stock industry for twenty years, and handle at the present time about 15,000 sheep, a couple of hundred head of cattle, and about a hundred head of horses, and every year ship the merchantable portion of those three classes of live stock to the markets, either at the Missouri River or Chicago.

Having been sent here by the woolgrowers, I desire to speak specifically about that which concerns sheep. My observation has been that sheep are the most particular in their taste and in their manner of eating of all animals that I have paid attention to. I unloaded 6,000 sheep at Rawlins, and to my certain knowledge there was not more than a hundred of those sheep that tasted the water in the trough which surrounded the pens. They were absolutely indifferent, although they were dying of thirst. They are so clean in their habits and manners that while in a crystal stream if one should step above the other and disturb the water the least bit, however thirsty this other one may be, he will walk around up the stream to get a clean drink of water. I want to give my experience with a shipment which I was compelled to unload at night. The twenty-eight hours having expired, and having arrived at Laramie, the railroad company refusing my request to permit the sheep to lie peaceably at rest in the cars, saying they would be prosecuted if we did not unload them, I went down for such help as they had and I had myself, and I unloaded 6,500 sheep, all in first-class condition when they reached Laramie.

There are three chutes there to unload the sheep, and consequently three sets of men, and no matter how observant a man may be, it is well-nigh impossible to preserve the temper of men who have worked almost all the day and who are not desirous of laboring at night, and I have observed many times that those men will get a sheep in each hand and drag them down the chute, and those sheep will make back for the bunch. They have only one thought, and that is one of terror; they have the thought that they are being separated from their mates uppermost in their minds. They have been handled in large droves of 3,000 each by that means, and that means only, because the dog is never permitted to touch them, save only to frighten them—hold them together. Finally, one sheep would get away, and the man, perhaps with but limited experience, would endeavor to hold the other sheep out there as a bait, that those in the car might run down, and it would attempt to get back, and he would pick it up with more or less impatience until ultimately he would cripple it or kill it or let it get back; and the next morning, out of that shipment we had 39 crippled sheep, 21 of which had limbs broken. The railroad company have not the places along the Union Pacific or the Oregon Short Line suitable to unload such large droves of sheep and permit them to drink, except where those streams are. At Laramie there is a beautiful gravel-bed river where the incline is very gentle, and the sheep can walk out in the water a distance of 8 to 10 feet and drink to their heart's content of clean, clear mountain water. I do not think I exaggerate when I say that the stock shippers of Idaho, through the arbitrary interpretation of this law, lost a half a million dollars last year.

Mr. STEVENS. What area would that cover?

Mr. JOHNSTON. The State of Idaho.

Mr. STEVENS. Just the State of Idaho?

Mr. JOHNSTON. Yes.

Mr. STEVENS. Shipping down over the Oregon Short Line?

Mr. JOHNSTON. Yes; either to the Missouri River or Missouri points to Chicago.

Mr. STEVENS. Half a million dollars would include what?

Mr. JOHNSTON. Sheep killed in shrinkage. The injuring and killing of the sheep occurs at the time when the men are irritated. Because of their lack of experience they become irritated and they abuse the sheep because they lose their tempers. I say that in order that a provision may be incorporated in the law as it shall be recommended by this committee, some changes in the bill introduced by Mr. French, which I will read if you will permit me.

Mr. BURKE. I understand that sheep can be driven out of the cars in the daytime but not at night.

Mr. JOHNSTON. Yes; at night they are trained to lie in a spot called the "bed ground," which will perhaps be an area of 500 feet across, a diameter that would be 500 feet, and they are trained to lie still all night and not move or else they would get up and go away and the herder would be unable to find them.

Mr. BURKE. The purpose of asking you the question was to bring out the fact that the damage to them by reason of rough handling would not occur in the daytime.

Mr. JOHNSTON. No; not so much so as to other stock. They do not crowd and hurt each other to the same extent that cattle do.

Mr. STEVENS. Did you have in mind the proviso to section 1—I think it is of Mr. French's bill?

Mr. JOHNSTON. It provides that in the case of sheep when the expiration of the time limit occurs at night they may be allowed to continue in transit until daylight, if so doing they will reach a place where they can be properly fed, watered, and cared for.

Mr. BURKE. I believe that you stated that in addition to raising sheep you have been in the cattle business.

Mr. JOHNSTON. Yes; we raise cattle now.

Mr. BURKE. Do you indorse the views of the other gentlemen that have testified on the subject of handling cattle?

Mr. JOHNSTON. I certainly do; I feel that their request is brought about by an experience which is exactly similar to our own.

Mr. BURKE. I believe that you also stated that you are a raiser of horses?

Mr. JOHNSTON. Yes, sir.

Mr. BURKE. There has been no testimony here as to handling horses. How would this affect them?

Mr. JOHNSTON. We raise these horses not on the range. I am a raiser of thoroughbred Kentucky horses, and a horseman is usually very humane so far as his horses are concerned, and if the law will permit him to handle them as his intellect directs he will never take them over thirty-six hours. Twenty-four hours is long enough to ship horses, but we have——

Mr. BURKE. Then you would not be in favor of an extension of the time if it was practicable to except it as to horses?

Mr. JOHNSTON. Yes; I would be in favor of the law including horses for this very reason: That we have palace cars wherein we can care for horses almost as well as we can anywhere else, and when we have standard-bred horses of that quality we usually ship them in palace cars and do not unload them very frequently.

Mr. BURKE. Would they come within the present law if they are shipped in palace cars?

Mr. JOHNSTON. No; they are permitted to go——

Mr. BURKE. What about horses shipped in ordinary cars?

Mr. JOHNSTON. A wild range horse many times travels as much as 30 miles a day for his water, and he is inured and tough and hard and able to stand as much as cattle.

Mr. BURKE. To what extent do range horses become bruised or injured by loading and unloading, as compared with wild cattle?

Mr. JOHNSTON. My experience has been with the gentler horses, but range horses crowd together and try to crowd out of the car or into the car all together when frightened, and my idea with range horses would be to continue the journey so far as they could reasonably stand it before unloading rather than load them up.

Mr. STEVENS. The same objection would obtain to loading and unloading them as would apply in the case of cattle.

Mr. JOHNSTON. Yes, sir; they probably have never been handled or had a rope on them, or not more than once, perhaps, and are much terrified and can not be gotten to go single file.

Mr. FRENCH. It might be well, speaking of sheep in this connection, to bring out that the system of feeding and watering stock can hardly apply to sheep.

Mr. JOHNSTON. It is utterly impracticable. There are 150 sheep

in a space 36 feet long and 8½ feet wide, and it is not practicable to get the feed even down to the ground, and when it reaches the ground if one steps on it and taints it a little bit the others will not touch it, they are so dainty in their tastes and habits.

Mr. FRENCH. And then, too, if the water slops around in the car when the sheep lie down their wool is soiled, and consequently they are injured in value.

Mr. JOHNSTON. I can give you an example: Perhaps you have been at the Union yards in Chicago. You will notice there that all the gentlemen that are buying sheep go in with their ordinary clothing on and with a duster over them. It is our purpose to bring those sheep in just as clean as possible and that they shall look as attractive as possible and as clean as possible. We raise in that particular country that I represent the foremost mutton of the world, and it is our particular purpose to bring those sheep into the market, so far as their fleece is concerned, absolutely clean; and, as I say, those gentlemen who come there to buy walk in and walk around with their dusters on and make their selections.

Mr. BURKE. Perhaps it is a little out of order, but I would like to ask a question or two.

Mr. STEVENS. All right.

Mr. BURKE. Listening to this testimony suggests this question: Would it be, in your opinion, practicable instead of having a law fixing the time limit within which any live stock might be kept on the cars in transit to so legislate that the matter might be regulated by rules and regulations made, we will say, by the Secretary of Agriculture?

Mr. COWAN. There is no doubt in my mind that the Secretary of Agriculture could be given authority to exercise his discretion as to whether or not the matter would be recommended for prosecution, and undoubtedly that would be considered by the Department of Justice and acted upon; but I doubt if you can fix the penalty which can be enforced dependent upon whether the Secretary says it shall be enforced or not. That was discussed at his office between him and some Congressmen—Congressman Brooks, from Colorado, and ———, from Texas, and Mr. Mann; they had a slight discussion on it and I was present, and we were rather of the opinion that it could not be done. Now, the Secretary does not want to be charged with the duty of undertaking to do that. Some of the stockmen say that they would be satisfied to have Secretary Wilson do that, but they do not know what time some Secretary might come in office who would be indifferent to the interests of the stock people, and their destiny would rather be dependent entirely on the Secretary in such a case, so that matter was dropped rather at the request of the Secretary than otherwise.

Mr. STEVENS. I notice that several of the bills contain the language "cattle, sheep, swine, and other animals." That is the language of the original law, is it not?

Mr. COWAN. I would have to compare it, but I think it is.

Mr. STEVENS. I think so. Now, other animals would include horses. Do you know of any complaint about horses?

Mr. COWAN. There are so few shipments of horses for long distances, except race horses and those in special cars, that I have never heard of a question coming up as to horses.

Mr. STEVENS. And I have not heard any question about hogs.

Mr. COWAN. Hogs lie down in the cars. I heard that argument before Secretary Wilson. The gentleman who testified says that they lie down in the cars and that there is no excretion during shipment, and that you throw your corn in and the hog eats his corn, and in the summer time they have a sprinkling arrangement to sprinkle the cars from the top, as the car goes slowly along, and the hogs have a better place than they can make for them on the outside. He said that the law does not apply to hogs at all. I think that his evidence is perfectly true.

Mr. STEVENS. Is there any other testimony to be offered by gentlemen in favor of the bill; are there any gentlemen in favor of the bill who have anything further to offer?

Mr. COWAN. I do not want to do anything except this. I have prepared, in order to have it in convenient shape for anybody who might want it, a pamphlet setting forth somewhat the same line of argument made before the committee this morning, consisting largely of statements of fact, and I would like to have that incorporated as a part of this hearing.

I have to leave to-morrow on the 11 o'clock train, and I know a number of prominent gentlemen in the live stock business in the West, both in the cattle business and in the sheep business, who would like to appear before your committee as soon as the Denver convention is over (which meets on the 30th of this month and lasts three days), or as soon as their convenience will enable them to come here, and present their views, as the result of their years of experience, believing that the humane society is mistaken; and also there are some gentlemen connected with the live-stock commission business at different points who, I am informed, desire to appear. Also, I have received information since I was here that some live stock agents who have been in the business for a life time in the handling of cattle for the railroads who desire to present their views to the committee. I would, therefore, request that the committee arrange a hearing at some time at its convenience between, we will say, the 7th of February, which, I believe, is on a Monday, and the end of that week, if it would be convenient to the committee, so we could give that notice on the 30th at Denver, and then and there make arrangements to bring such witnesses here as this committee might desire to hear.

Mr. BURKE. Would it not only be cumulative? Have you something new you want to offer?

Mr. COWAN. It is cumulative in detail. The detail of that testimony of gentlemen like Mr. Johnston and Mr. Gooding will absolutely convince anyone who desires to reach a correct ascertainment of the facts that this law—at all events, that the time should be extended to thirty-six hours, subject, at least, to the judgment of the shipper; and as to the sheep business, my own opinion about it is that there is no good sense in the law for the sheep business at all.

Mr. BURKE. Suppose this committee should hear the other side of the question, as they will, and should conclude to report a bill incorporating the main provision for which you are asking, and that is, the extension of time; would you still want to have further testimony presented here?

Mr. COWAN. Well, of course the matter has to go to the Senate committee, and there are some gentlemen who expected to come, in fact,

have made their arrangements to come, and I think they would like to be heard. That is my opinion. I believe it would be best for them to be heard in order that the matter can now be threshed out and the facts accurately determined, because I believe that the sensible people I have seen here to-day will come to the conclusion that the principal thing we are undertaking to prevent is happening by the enforcement of the law.

Mr. BURKE. As you suggested this morning, it might be better to convince the humane society rather than us. If they are satisfied it is all right—

Mr. COWAN. I do not mean to belittle the committee, but that is the only objection that is made to the bill from that source.

Mr. BURKE. As I understand you to say the continuing of the hearings and having further testimony might convince the humane society—

Mr. COWAN. So far as I know that is the only logical reason for continuing them.

Mr. ESCH. I think the subcommittee, and possibly the full committee, ought to hear the Secretary of Agriculture and the Chief of the Bureau of Animal Industry.

Mr. STEVENS. Mr. Smith has the report on that subject.

Mr. SMITH (representing the Humane Society of the District of Columbia). I have a copy of the Secretary's report to the President, made January 3, and in that report he indorses very largely what Mr. Cowan and the other gentlemen here seem to wish. This particular copy was sent from Albany from Doctor Stillman to Mr. Snow. There was also a copy sent to Mr. Snow by the President. That copy is out of our hands. But this is the report, and it recommends an extension of time from twenty-eight hours to thirty-six hours, as I understand it, as embraced in the French bill.

Mr. STEVENS. Would you have any objection to that going into the record?

Mr. SMITH. I will file this.

Mr. BURKE. Do you want to offer any testimony before the committee to controvert the testimony that has been submitted here on the part of those desiring this legislation?

Mr. SMITH. I understand that Doctor Stillman, who is the head of a group of societies, is expected to come down here about January 30; I know nothing personally about it. I do not understand that the humane society of this city or any of the cities has any expert testimony excepting, perhaps, what Doctor Stillman may have. What I meant to say this morning was that we personally had no expert knowledge and we did not expect to testify; all I wanted was to get the committee's permission to ask a few questions, and I would like to ask Judge Smith a question or two now.

Mr. STEVENS. Certainly.

Mr. SMITH, of the District of Columbia. Judge, you said in your testimony that you thought it was not practicable to have a minimum speed rate for the railroads, and you stated also that you had had a great deal of experience in damage suits against the railroads in cases where delays in the shipment of cattle had occurred. Now, having that in mind, will you please state what the measure of damage was, or what basis for the measure of damage was there in the

minds of the jury or given out as common law by the court, that a certain speed was essential under certain conditions.

Mr. SMITH, of Texas. Well, you know, common carriers in the carriage of all sorts of freight must make reasonable speed. That is the rule, and what is reasonable speed depends on the facts and circumstances of each particular case. That is always given to the jury, and then a correct legal definition of damages is submitted, and under instructions of that sort the jury finds the measure of damage.

Mr. SMITH, of the District of Columbia. A reasonable speed in the case of live stock—would it be the same as in the case of haulage of sand, for instance?

Mr. SMITH, of Texas. No, sir. I think the character of the freight must be taken into consideration, and the character of the weather and the volume of business at that particular time, and all other facts that bear on the question. You understand that I am in favor of any measure that would expedite the transportation of cattle. What I said was to express the opinion that a hard and fast rule about a minimum speed would not in my judgment accomplish anything, because if the railroad company can make a greater speed the shipper wants the company to do it; if the railroad company can not make the minimum speed it ought not be required to do so.

Mr. COWAN. I want to make the suggestion that I did not get to make, that there is an inspector of the Government who, to my personal knowledge—Congressman Stevens knows him well and will vouch for him—has been connected with the matter of inspecting and loading of live stock and looking after shipments from the entire Texas Panhandle district—which is an immense country, by the way—and is thoroughly acquainted with all of the conditions there throughout the range country from the Rio Grande to the Northwest Territory, and has been for fifteen or twenty years. I refer to Mr. Jordan. I know of no man who knows as much about it as he does, and he is in the employ of the Government, and I have no doubt if the Secretary were requested by the chairman, or any other member of this committee, to have him appear before the committee that he would be glad to do so. That comes from a source that ought to be that of actual knowledge and from the standpoint of what ought in humanity to be done, and if you make request for Doctor Melville, the Chief of the Bureau of Animal Industry, to the Secretary, I should like for the request to be made for Mr. Jordan, because he is the man in the field who actually knows all about it. Mr. Cooper knows him, and a great many of the gentlemen here know him.

Mr. STEPHENS, of Texas. He can give the best expert testimony of any man I know of.

Mr. COWAN. And from a source that is not polluted.

Mr. COOPER. I wish to offer this suggestion in the interest of the association which I represent: That if the committee is sufficiently well informed and disposed to report a bill along the lines which seem to be recommended by the testimony brought out to-day, without taking any further testimony, and if the taking of further testimony sometime this month or in February might imperil the chances of a bill passing, that we ought not to ask this committee to hold its proceedings open for the introduction of any further testimony, because, as has been suggested by a member of this subcommittee, it would

simply be cumulative, and I do not see how it would add anything to the strength of what has been adduced at this investigation.

Mr. STEVENS. I think we would like to consult with the officers of the Department, with the Secretary, and with such other officers as he would think advisable. We would make these suggestions to him probably at an early day.

**STATEMENT OF HON. BURTON L. FRENCH, A REPRESENTATIVE
FROM IDAHO.**

Mr. FRENCH. I heartily concur in what has been suggested, that we act in such time that the bill will not die by reason of the adjournment of Congress prior to its passage.

There is another thing I want to suggest in line with what Judge Cowan has suggested. I find that there are something like 2,000 cases there now pending in the court for violations and infractions of the law as it now is, and the solicitor for the Agricultural Department, Attorney McCabe, has charge of this matter, and is thoroughly posted upon the practical workings of this law, and I would be glad to suggest his name as one that could furnish valuable suggestions along the line of the practicability of the proposed law. He is the solicitor and is here in the building.

Mr. STEVENS. The subcommittee will take up these suggestions. (Thereupon, at 4.30 o'clock, the subcommittee adjourned.)

Secretary Wilson's report to the President on the twenty-eight-hour law.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 3, 1906.

The PRESIDENT:

In accordance with your direction of January 1, I have read carefully attached letter of Mr. E. K. Whitehead, secretary of the State Bureau of Child and Animal Protection of Colorado, relative to the proposed amendment of sections 4386-4390, Revised Statutes, popularly known as the twenty-eight-hour law. Summarized briefly and divested of the argumentative features, the position of the Colorado State Bureau of Child and Animal Protection, as stated by its secretary, Mr. Whitehead, appears to be as follows:

1. That the bureau and the stockmen of Colorado are opposed to an extension of the time during which animals in interstate trade may be confined in cars without food, rest, and water.
2. That the roughness and violence makes the loading and unloading of cattle cruel, are unnecessary, and occur only in exceptional cases.
3. That the railroads have made the law obnoxious by their manner of complying with it, with the intention of forcing its repeal or amendment.
4. That the railroads delay stock en route for unreasonable periods of time, giving preference to other kinds of freight, and that the

roads should be compelled to give live stock the right of way over dead freight, and to transport stock at a reasonable rate of speed.

The statute commonly referred to as the twenty-eight-hour law was enacted by the Forty-third Congress, and became law by the approval of President Grant on March 3, 1873. It now forms sections 4386-4390 of the United States Revised Statutes. It prohibits the confinement in cars, boats, or other vessels for a longer period than twenty-eight consecutive hours of cattle, sheep, swine, or other animals which are being conveyed from one State to another without unloading the same for food, rest, and water for a period of at least five consecutive hours, unless prevented by storm or other accidental cause. The penalty for a violation of the statute is from \$100 to \$500. The provision for unloading does not apply when the animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest.

The fight to enforce this law has been a long one. In 1891 Secretary Rusk distributed thousands of circular notices addressed to all railroad companies transporting cattle within the United States, calling their attention to the provisions of the law and urging them to arrange their train service and provide necessary feeding and watering stations. In 1895 Secretary J. Sterling Morton distributed similar notices. On March 24, 1897, I issued a warning circular and caused it to be mailed to the railroad companies throughout the United States, and also caused it to be posted in conspicuous places around stock yards and railroad stations. During all this time the law was being continually violated by the carriers. Some years ago special agents were put on the road to accompany stock trains in order to detect and report violations of the law. A large number of cases was collected by these agents and transmitted to the Department of Justice for prosecution in the Federal courts. On account of the difficulty of securing evidence and, in some cases, the unreasonable requirements of the district attorneys before proceeding with cases, only a small number of convictions was secured.

Some time ago I felt that live stock was not being handled in the humane manner required by law and requested the chief of the Bureau of Animal Industry to instruct the inspectors of the Bureau, particularly those inspectors stationed at points where large consignments of live stock were received, to use the utmost diligence in discovering and reporting violations of the law. As a result of these instructions nearly 2,000 cases have been reported to the Department and a number of these cases has been transmitted to the Department of Justice for prosecution and over \$10,000 collected in penalties and costs.

Believing it more desirable to secure a reasonable compliance with the law than to mulct the roads in fines, when a large number of alleged violations has been reported against a particular railroad, the road has been called upon to give the Department satisfactory assurances that the law will be respected in the future and that no more violations will occur. When these assurances have been received a proportionate number of the cases against that road has been sent to the Department of Justice for prosecution, with the understanding that the road in each case will confess judgment and pay the minimum penalty, the rest of the cases being held suspended

during the continued observance of the law. This plan has worked in a satisfactory manner, and I am satisfied that a very large proportion of the railroad systems of the country has endeavored in good faith to comply with the terms of the statute.

Early in the past fall seasons, when the ranges were being harvested, it developed that the yard and chute facilities of the railroad companies were entirely inadequate to unload and properly care for the very large number of cattle then being transported to market. Now, the railroads had assured the Department that the law would be observed in the future. They knew that the Department was closely watching and reporting each violation of the law as it occurred, and they were naturally making every effort at least to appear to comply with the laws, and were unloading the cattle in miserably equipped pens for food, rest, and water, and in many cases were even unloading them upon the open prairie, to the great detriment and damage of the cattle and to the prejudice of the owners and shippers. Realizing these facts, I, at that time, stated to representative stockmen and railroad officials that the Department would not, for the present, report cases to the Department of Justice for prosecution in which the time limit fixed by the statute was exceeded by a small margin, when it was apparent that the railroads were doing their utmost to comply with the law, and that if the cattle were unloaded they would suffer greater hardship than if they were carried on to their destination without being unloaded.

At that time I conversed with a number of the largest, best informed, and most influential stockmen of the United States and their statements to me do not bear out the statements attributed to Colorado stockmen by Mr. Whitehead. The stockmen, shippers, and commission men to whom I talked were unanimously of the opinion that it would be to the advantage of the cattle and of the owners thereof that the time limit during which cattle might be confined in transit without food, rest, and water be extended from twenty-eight hours to thirty-six hours.

Based upon a careful observation of the workings of the law, the treatment of the cattle and the advantage of the shippers and owners of live stock, *it is my belief that if certain other amendments to the law, hereinafter described, shall be adopted, the time during which cattle may be confined in cars without food, rest, and water may be extended from twenty-eight hours to thirty-six hours without disadvantage to the cattle.*

It should be noted that section 4388, Revised Statutes, provides that "Where animals are carried in cars * * * in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply." *It is probable that in this provision of the law lies the solution of the question.* One western road, which possibly handles more cattle than any other railroad in the world, has provided cars properly equipped, sufficient in number, to care for all the business which it handles. The question of rest is an unsettled one, from the fact that when cattle are loosely loaded to permit them to lie down, and are transported in long trains, they are liable to be jammed and to become injured to a greater extent than when they are more closely packed.

The great western markets for live stock are Chicago, East St. Louis, and the Missouri River towns. The ranges and feed lots are

so located that if the railroads give the shippers anything like reasonable service, with a thirty-six-hour limit, by far the larger proportion of the cattle can be transported to market within thirty-six hours, and this will obviate the necessity for unloading the greater part of the cattle. With a thirty-six-hour limit, it will not be necessary to unload cattle from any locality more than twice. When market can be reached in thirty-six hours, I am satisfied it is more humane and better for the cattle to carry them through to destination without unloading than to unload them for food, rest, and water at the end of twenty-eight hours.

The points made by Mr. Whitehead in regard to adequate facilities for taking care of cattle which are unloaded for food, rest, and water, and the brutal and inhumane manner of unloading and reloading are well taken, and furnish good reason why the law should be amended in certain particulars. Under the present law there is no way in which the railroads can be compelled to provide adequate and properly equipped pens and yards, or to load and unload the animals in a humane way.

I am of opinion that the following amendments may very profitably be made to the existing law :

1. For reasons hereinbefore stated, provide that the time during which animals may be confined in cars without food, rest, and water be extended from twenty-eight hours to thirty-six hours.

2. Provide that the cattle must be loaded and unloaded in a *humane manner* into properly equipped pens. This is a serious omission in the present law.

3. Provide that the owner or shipper of the animals may furnish the necessary food if he so desires. Many companies have charged most exorbitant fees for supplying food, and, as the law gives a lien on the stock for food furnished, shippers and owners of stock have been, in many cases, outrageously overcharged.

4. Provide that every common carrier, other than by water, engaged in the interstate transportation of live stock, shall maintain on all stock trains an average minimum rate of speed of not less than 18 miles per hour from the time when such live stock is loaded upon or into the cars and made part of the train until the train reaches the destination or junction point for delivery to another common carrier, with a deduction for the time necessarily lost in feeding, resting, and watering, and in the unloading and reloading for those purposes, and for such other time as the stock may be delayed by storm or other accidental causes which can not be anticipated or avoided by the exercise of due diligence and foresight. It is true, as stated by Mr. Whitehead, that in many cases the railroads have not given the shippers the service to which they are justly entitled. It has frequently happened that stock trains have been delayed for dead freight and for other trivial causes, and, by reason of the large amount of tonnage which one engine is compelled to handle, a slow rate of speed has been maintained and stock has been detained upon the road for an unreasonable time. To extend the time during which cattle may be confined in cars without food, rest, and water without requiring a reasonable speed minimum would not benefit the shipper. The laws of one, and perhaps more of the States, require a reasonable speed minimum to be maintained on all trains transporting live stock within the borders of the State.

5. The statute should be broadened to cover practically every common carrier of live stock, including a receiver of any company. The Supreme Court has held, in the case of the United States *v.* Harris (177 U. S., 305), that existing law does not include the receiver of a railroad company. At the present time a certain railroad, now in the hands of a Federal receiver, is confining animals fifty and even sixty hours without food, rest, and water.

6. The statute should be amended to cover the transportation of animals from a State to a Territory or from a Territory to a State. The United States district court for the district of Kansas has held recently, in the case of *The United States v. The St. Louis and San Francisco Railroad Company* (an unreported case), that the law does not cover a shipment from a *Territory* to a State, the wording of the statute being " * * * which transports live stock from one State to another."

In conclusion, I desire to say that I am most emphatically in favor of reasonable regulations and restrictions upon the interstate movement of live stock, not only because live stock should be treated in a humane manner, but because of the further fact that when cattle are detained in transit for long periods of time without food, rest, and water they become fevered and should not be slaughtered in that condition.

I have the honor to be, sir, your obedient servant,

JAMES WILSON, *Secretary.*

[Issued by American Stock Growers' Association, Cattle Raisers' Association of Texas, National Live Stock Association, and others. Filed by Mr. Cowan, and asked to be printed.]

Reasons for amending section 4386, Revised Statutes of the United States, which now requires that live stock shipped by rail shall be unloaded at the end of twenty-eight hours.

The proposition herein discussed is to extend the time to thirty-six hours, exclusive of the time for loading and unloading.

FIRST.—The origin of the twenty-eight-hour law.

When the section of the statute in question was adopted as a law of the United States, on March 3, 1873, there were comparatively little shipments by rail of live stock for long distances and practically no shipments of range stock. The vast areas of public lands and railroad grants west of the Missouri River were not occupied by cattle ranches, sheep ranches, and stock farms and were not penetrated by railroads equipped for carrying live stock. The conditions surrounding the matter of transporting live stock were entirely different to what they are at this time. Furthermore, the twenty-eight-hour limitation was purely an arbitrary one, probably arrived at after a comparatively slight inquiry; and it has been said, and likely is proven, that the occasion for the enactment of the statute in question was due to the activity and energy of the private car lines patenting and preparing to put into use specially equipped stock cars for the purpose of feeding and watering the live stock en route, which they wished to compel the public to use. This is evidenced to some extent by the provision of section 4388, as follows:

"But when animals are carried in cars, boats, or other vehicles in which they can and do have proper feed, water, space, and opportunity to rest this provision in regard to being unloaded shall not apply."

UNIVERSAL DEMAND OF STOCKMEN FOR EXTENSION TO AT LEAST THIRTY-SIX HOURS.

The American Stock Growers' Association and Cattle Raisers' Association of Texas, representing those mainly engaged in the cattle business throughout the

great Southwest, the National Live Stock Association, representing numerous organizations of persons in the sheep business, cattle business, and other lines of live-stock business, the various State live-stock organizations, the National Wool Growers' Association, and the National Live Stock Exchange, representing live-stock commission merchants of the United States, all demand the extension of the time to at least thirty-six hours. Most of these bodies have passed resolutions expressive of this demand.

During the Fifty-seventh Congress a bill fixing the limit at forty hours was passed by the House, it went to the Senate, and was referred to the Committee on Interstate Commerce. A subcommittee was appointed to which it was referred, but the bill was never reported and died a natural death.

The opposition to extending the time by the humane society is due to misapprehension, for—

It is positively less humane to comply with the twenty-eight-hour limit than it would be to extend the time to thirty-six hours, as herein requested.

It compels the doing of positive injury in many instances; does practically no good in any.

SECOND.—Experience demonstrates the injurious results from enforcing the twenty-eight-hour limit—The Secretary of Agriculture indorses the proposition to extend the time.

During the years of 1904 and 1905 the Secretary of Agriculture undertook the enforcement of this law. During that time actual experience demonstrated in hundreds of instances the great hardship and injury to the animals caused by the enforcement of this law by requiring them to be arbitrarily unloaded at the end of twenty-eight hours, against the judgment of shippers who were present and could see what was best to do.

It often resulted that live stock would have to be unloaded when suitable or sufficient pens were reached earlier than the twenty-eight hours, because no sufficient pens for the quantity of stock en route could be reached within that time, the railroads choosing the safe side to avoid the penalty.

It frequently resulted in unloading the live stock 50 or 100 miles out from the market when the market could have been reached by an hour or a few hours more than the twenty-eight hours. It resulted in upsetting all calculations with respect to the time of reaching the market. It often resulted in concentrating so many live stock at particular pens en route that the yards were insufficient for the extraordinary number of live stock which the law arbitrarily required to be unloaded at such point. It compelled the cattle to be unloaded in storms, in snow, sleet, and rain, at all hours of the night. It upset the handling and running of trains, requiring them to be split up and some of the cars having been loaded earlier would have to stop while others would go on, and all of this entailed serious and material loss upon the shipper to no one's benefit. This can be thoroughly demonstrated by hundreds of instances.

The Secretary of Agriculture, after a thorough investigation of the matter, reached the conclusion that the live-stock shipper was entitled to relief from this twenty-eight-hour limit, and he therefore concurs in the effort to secure an amendment of the law to that end.

With all these indorsements and representations upon the subject, it would seem a little remarkable that there should be any question with respect to this amendment of the law.

As the country has developed by the construction of railroads and the rail transportation of live stock, the establishment of markets, feeding places, points of reshipment through the growth of this vast commerce, it has been plainly seen that this law should not apply to existing conditions, and that has been fully evidenced by the fact that for twenty years it has practically been a dead letter, unenforced until recently, as above stated. This argues strongly that there was no general demand for the enforcement of such a law and no apparent necessity for its enforcement; in other words, the business and the proper handling of the business in its evolution has entirely outgrown this antiquated, if ever beneficial, law.

And now that practically everybody who is affected by it demands an amendment, as herein requested, Congress would certainly fall far short of its duty if it fails to do so.

THIRD.—*The demand is only reasonable and fair.*

It may be said that the demand for the extension of this time is largely from the shippers from the West, but this is not wholly true, for the experience in shipping from Chicago, Kansas City, and St. Louis to points in the East like Pittsburg, Buffalo, and Boston, and to various localities for feeding and fattening purposes in the States of Michigan, Ohio, Pennsylvania, and New York and others when the twenty-eight-hour law was rigorously enforced, developed as material hardships in that class of shipment as in shipments from the West to the Missouri River markets or to Chicago. Shippers and others interested in that sort of shipments are earnestly demanding the change in the time limit to thirty-six hours.

If, however, the principal complaints and demands have come from the West it is because of the fact that it is a stock country, and from that territory the long rail shipments are the rule or the necessity, both for the benefit of the shipper and the benefit of the consumer, and it is to be expected that those who are materially affected by the rigor of the arbitrary and unreasonable statute are the ones who complain about it and demand its amendment or repeal; those who are not affected naturally are not complaining. It argues nothing, therefore, against such amendment that the demand is greater from the West and none from States not much affected. The duty to protect the interests which need protection is none the less because there are localities and conditions where it is not much needed. For the purpose of illustration we shall refer, therefore, to shipments from the West and Southwest, as demonstrating the workings of the present law if enforced.

ACTUAL HAPPENINGS FROM ENFORCING TWENTY-EGHT-HOUR LIMIT.

Shipments from Utah, western Colorado, and Wyoming are unloaded generally for the purpose of feeding or for other purposes at Denver, Pueblo, or Cheyenne; ample provisions have been made for that purpose at those places. It is a natural commercial condition. Denver is something of a stock market, and a great many live stock are bought and sold there and are reshipped. The distance from Denver to Kansas City or Omaha or St. Joseph ranges from a little over 500 to a little over 600 miles. Under ideal conditions a full train load of live stock may be carried to these points within twenty-eight hours, but that requires an extraordinarily good run, and it is a fair statement that in 75 per cent of the shipments the run to Kansas City or St. Joseph will not be made within twenty-eight hours, and probably in 50 per cent of the shipments the run to Omaha will not be made within twenty-eight hours. The result is that in cases where the run can not be made or is not made within the twenty-eight-hour limit, if that law were enforced, it would require an unloading oftentimes at some point within 50 or 100 miles of the destination.

Take a shipment of 10 carloads of cattle that originated in Utah or western Colorado, destined to Kansas City and unloaded, watered, fed, offered for sale, and possibly sold at Denver and reshipped, or, if not sold, the shipment continued after the cattle have been rested and fed. Manifestly 10 cars do not make a train load, and no one would expect a railroad to run a train with no other freight in it for that purpose. Consequently the train is filled up with other freight. The exigencies of the business, the running of the trains both ways, doing business over a single-track railway, which is amply sufficient for all their business in that locality, means that this train will not reach Kansas City within twenty-eight hours, and it will probably be unloaded at some point like Manhattan, 100 miles from Kansas City. The convenience of the shipper from Denver is to load late in the afternoon or about night, with the expectation of making the second morning's market at Kansas City. For example, to load, say, at 6 p. m. Saturday evening at Denver, with the expectation of arriving at Kansas City at 4 or 5 a. m. Monday morning, unload, water, and rest the cattle, and then offer them for sale. The market is in the morning, and most buyers are supplied before noon. Now, instead of reaching Kansas City at 4 or 5 a. m., if these cattle are required to be stopped off, unloaded, and fed, say, at 12 o'clock at night at Manhattan, they will not reach Kansas City till late in the afternoon and have to be held over until Tuesday morning. Since these cattle are going to the market for the purpose of being killed, manifestly it is better to get them there at as early a time as possible for that purpose. They are taken off the range; they are wild cattle; they are nervous; they are in

strange surroundings, and the result is that there is a material shrinkage, which, as every stockman knows, can not take place except as a result of suffering, more or less.

This shrinkage will mean in a shipment which is taken off at Manhattan under the circumstances above named, on a 1,000-pound animal, about 1 pound for every hour, or an equivalent of 25 pounds practically for the loss of a day, and at 4 cents per pound is \$1 per head, and on 25 head is \$25 for a car. An extra feed bill is incurred of \$3 per car, and there is a loss of time of the attendant and extra expense that will amount to from 50 cents to \$1 per car. On being killed, it is shown that they have been bruised upon their ribs and hips and occasionally a hip will be knocked down and a rib broken and occasionally a horn will be knocked off.

It is capable of actual proof, and there is no doubt about it, that this results from the unloading and reloading.

These cattle don't go into the car at command and take their places in the cars like a person. They must be forced out and forced in and it is impossible to conduct the business in any other way. As a result, they jam each other at the car doors and at the chutes, both in unloading and reloading, and there is necessarily a consequent injury. While the cattle are in the cars there is little opportunity, if the cars are loaded sufficiently full, for them to hook or gore each other. Their heads are generally up, and they have little physical opportunity to do it, but when they are unloaded into the pens they begin "milling" around, lowing and hooking, scarring and goring each other. This is a condition with respect to range cattle that is so well known that every stockman avoids as much as possible the detention of cattle in pens. The amount of injury and damage from all these causes that will be done to such a shipment of these cattle unloaded at end of twenty-eight hours at Manhattan instead of going on to Kansas City more than offsets any advantage gained by such unloading. Now, this can be substantiated almost, if not quite, unanimously by all experienced men.

It is demonstrated by the actual condition of such live stock at the time of their sale and slaughter. Hence the conclusion is inevitable, if the facts are correctly stated, that the enforcement of the twenty-eight-hour law viewed alone from humane standpoint is an act of inhumanity of the grossest sort in the great majority of cases.

This condition in the instance given applies practically to the entire range shipments from the West, and no necessity exists for duplicating the recital.

FURTHER ILLUSTRATION OF INJURY BY ENFORCING THE TWENTY-EGHT-HOUR LAW.

Take a shipment from points south and west of San Antonio, Tex., to Kansas City. These live stock in going to Kansas City will pass through Fort Worth. There is a good market at Fort Worth, extensive packing houses, and the opportunity for sale for that class of cattle is good, and they will probably reach Fort Worth from most of the territory mentioned within twenty-eight hours. But there is a district of country between Del Rio, Tex., and El Paso, Tex., from which the shipments can not ordinarily reach Fort Worth within the twenty-eight hours. Being an interstate shipment, the twenty-eight-hour law applies.

To comply with this law will require an unloading, we will say at a place like Hillsboro, 50 miles south of Fort Worth, or Waco, 100 miles south. When this shipment reaches that point we will assume that it has consumed twenty-four hours from the point of shipment and can not reach Fort Worth and be unloaded in the twenty-eight hours. Assume that there have been other trains preceding on the same road which have been required to unload in the pens between Waco and Fort Worth, so that there are no pens sufficiently large at which the live stock in question can be unloaded between Waco and Fort Worth. Therefore at the end of twenty-four hours the train is unloaded at Waco. If the shipper gets the benefit of the Fort Worth market he must ship on and unload again at Fort Worth in five or six hours' run. If he does not sell his live stock at Fort Worth and desires to ship on to Kansas City, he reloads his train at Fort Worth and starts it out and a snowstorm or rain storm overtakes him, which is not infrequently the case; on account of that or other cause there is slow-running time; when this train reaches Parsons, Kans., say 135 miles from Kansas City, it has consumed twenty-four hours, and this often occurs without negligence. The run can not be made on to Kansas City within the additional four hours, hence the cattle must again be unloaded at Parsons, and after being fed and rested must be reloaded and sent on to market. If cattle are benefited

by being unloaded, it generally is the judgment of the shipper that they should have a longer time than five hours, as provided in the law, and it can be readily seen that these circumstances, simply by the enforcement of this twenty-eight-hour law, would require two days longer to reach the market at Kansas City from southwest Texas than it would require if the time were thirty-six hours, and on account of the facts previously stated in the Denver instance, the live stock must arrive in a seriously injured condition by such frequent unloading and reloading, and this will tell to their disadvantage in the market beyond a doubt. If thirty-six hours were permitted they would reach Fort Worth, be unloaded in the best-equipped pens, surrounded by the best possible conditions which an expenditure of hundreds of thousands of dollars will provide, and if reshipped, or shipment is continued, will reach Kansas City probably within thirty-one or thirty-two hours, at all events within thirty-six hours, so that they will only have one unloading between the point of origin and destination and reach their destination two days earlier than otherwise would be the case, in far better condition, with less suffering. The detail of this transaction may appear burdensome, but it is by a knowledge of such detail that the shipper is enabled to know what the injury is that is done to him and to his cattle by being compelled to observe an arbitrary and unjust law, and it is only by presenting this detail of facts that you may be made to understand how it is that such injury happens and the justice of the demand for amending this law. The truth of these statements can be shown by a number of western Senators and Congressmen, and probably other Senators and Congressmen.

DISTANCES BETWEEN PRINCIPAL SHIPPING POINTS REQUIRE OVER TWENTY-EGHT HOURS IN TRANSIT.

The distance of 500 to 600 miles happens to be the usual distance between the markets or the point of shipment and reshipment, and this is a condition which can not be changed and should be considered as one to which the law must be made to apply.

Take all points in northern Texas, where a great number of live stock are fed at oil mills. You will find that the distance to Kansas City is 500 to 600 miles, dependent upon the route.

Take all points on the Fort Worth and Denver City Railway like Bowie, Wichita Falls, Quanah, Estelline, Clarendon, Amarillo, and Dalhart, from all of which there are extensive shipments of live stock to the Kansas City market. The distance will range from 550 to 600 miles, and it takes an extraordinarily good run to reach Kansas City in less than twenty-eight hours, and 75 per cent of the shipments will run over that—generally thirty-one or thirty-two hours. If the twenty-eight-hour law is enforced, then these shipments must be stopped off at various points within 50 or 100 miles of Kansas City, extra feed charges incurred, injury consequent on unloading and reloading results, and generally the loss of one day's time.

Now, suppose you take instead of that the points on the Missouri River like Sioux City, South Omaha, St. Joseph, and Kansas City. In reshipments of live stock from these points to Chicago they are subject to practically the same conditions as from Fort Worth and Denver to the Missouri River points, the distance being estimated at 500 miles.

The time which is necessary to reach Chicago and get to the unloading chutes is generally more than twenty-eight hours, though it may frequently happen that shipments are made within the twenty-eight hours. There is also a large feeding territory along the Missouri River along both sides, and this condition applies to that character of live stock if they are shipped to Chicago. So that if the unloading and reloading at points between the Missouri River and Chicago do in fact take place the same character of injuries and expenses we have mentioned are to a large extent incurred.

Take St. Louis to Buffalo, Chicago to Pittsburg and Buffalo, and to many eastern points, and the same conditions apply. Then there are a great number of shipments which, under the twenty-eight hour law, would require two or three unloadings to market, then under the thirty-six hour limit one unloading is sufficient. These can be multiplied indefinitely.

SHEEP AND HOGS SHOULD BARELY BE UNLOADED.

We have never heard of an argument made to show the wisdom of unloading sheep and hogs. Sheep can not be handled in the night, and the process of load-

ing and unloading is slow. They naturally stand crowding and will rest as well in a car as out. They do without water indefinitely without suffering, and the shipper is the best judge as to how they should be handled. It is probably far better that the law should not require sheep to be unloaded in less than forty-eight hours.

As to hogs, the general opinion is that except for some special reason or circumstance, they are better off not to unload them. Hogs lie down during shipments, making a bed in the sand or straw in the car, and there is little excretion. In hot weather they are sprinkled in the cars, in the cooler weather they need no water. Corn can be and is put in the car for feed. So they have all of the comforts which a hog can get, and there is not any reason for any law making a time limit on hogs.

The shipment of horses and mules form so inconsiderable portion of the traffic that little has been said about it, but it can be safely stated that the shipper knows better how to handle them in each shipment than Congress can provide by general rules.

It may be said that if the railroads will run 20 miles per hour they will make the run of 500 miles in twenty-five hours, or 600 miles in thirty hours. If the premise is correct the conclusion is a mathematical certainty. It must be remembered that business is not done under ideal conditions. Occasionally such a thing may happen, but there must always be taken into consideration the actual physical conditions respecting this business.

As an example, take a shipment of mixed trains, dead freight and live stock, from Kansas City to Chicago, average distance via all lines 500 miles.

Time for loading, three minutes per car, 13 cars, forty minutes.

Switching from stock yards to main line, twenty minutes.

Putting cars into train, ten minutes.

Signing up train orders, five minutes.

Total, one hour and fifteen minutes.

Changing crews and engines at four division points at average of thirty minutes each, two hours.

Switching service, breaking up train, getting out dead freight cars at Chicago, thirty minutes.

Switching stock cars to stock yards and completing the unloading, one hour.

Total thus consumed, four hours forty-five minutes.

Running time left, twenty-three hours fifteen minutes. Average speed required between division points, almost 22 miles per hour.

Now, this is sometimes accomplished, but more frequently not. Live-stock trains move west and south into Kansas City; so do trains of other perishable freight; they must be met. Water and coal must be taken; trains must stop to pick up cars and pass others, for orders, hot boxes, and for various reasons, and probably the best that can be expected as an average would be one stop at least for every 20 miles, or four stops on a division; it will more likely run five. Every stop will consume in total loss of time, slowing down, stopping, starting up, an average of twelve minutes, which is an hour to each division run. It must often double that on less than full trains of live stock. Hence, twenty stops between Kansas City and Chicago, at other than division points, will average a total loss of four hours additional, which must be deducted, so it leaves not over twenty hours actual running, which for the 500 miles is an average of 25 miles an hour, which must be made to make it in twenty-eight hours. All of the roads but two have a greater distance to cover of 20 or 30 miles, requiring an additional hour.

The above illustration is equally applicable to any other similar distance haul, from all of which it plainly appears that if the rule of reasonable diligence which the law requires be applied, it must often happen that twenty-eight hours will be exceeded in a 500-mile haul, and nearly always in a 600-mile haul.

FOURTH.—*The unloading and feeding every twenty-eight hours not as a rule beneficial.*

The reason for unloading is said to be for rest, feed, and water. There are several points which ought to be considered in this connection to which attention will be directed.

(1) Four-legged animals may rest and sleep on foot as well as by lying down.

(2) Range cattle will not as a rule rest in pens any more than in cars, if as much. They are dissatisfied, nervous, and restless.

(3) Gentle-fed cattle may and often do lie down in transit when they become sufficiently tired, but in either case is rest required like it is with a person.

(4) Animals get their place in the car and become contented.

(5) Animals in transit brought from the ranges, as shown by experience, eat little and drink little, oftentimes not at all. It is the nature of the animal to store food and drink, which is quite different to human beings, and it is a demonstrable fact that in the range country ordinarily an animal will stay away from water and oftentimes not drink more than once in two days, and in cooler weather often a longer time.

(6) Their nervous and agitated condition in shipment prevents them from having much desire for food and drink. That produces no suffering apart from the mere matter of inconvenience of carriage, and nobody has ever been able to demonstrate and can not demonstrate that animals will be suffering from want of water and food in a thirty-six hour run. Sometimes they may and sometimes they may not.

(7) Hogs and sheep, in the judgment of shippers, do not need unloading within the thirty-six hours. Forty or fifty hours would be a better rule for them, or rather leave it with the judgment of the shipper.

FIFTH.—The best and most humane treatment can be obtained by leaving to the shippers to judge from circumstances.

Every man undertakes to run his business in the most profitable way, and that is human nature, and as experience grows, intelligence increases, and the time has come when every stock shipper of the country knows that the better treatment that he gives his live stock the better will be their condition on arrival at the market, and their condition at the market reflects precisely the treatment they have received en route. He knows that the experienced buyer can tell at a glance the treatment the live stock has received. He knows that extra unloading and reloading means a loss to him if the cattle are injured, and the greater the injury the greater the loss. The result is that he uses all of the care consistent with doing the business at all in the loading of his cattle and in the unloading of them. He knows their appearance has a great deal to do with their value, and his desire is to keep them in the best appearance. He does not want a droopy, tired, and worn-out animal on the market, so he will unload them when necessary and possible. It is subject to absolute demonstration that the experienced shipper can tell from the circumstances as he views them whether the cattle should be unloaded or not en route to market or elsewhere. He must weigh these circumstances with a view to the best possible treatment of his cattle. He may reach a point where he intended to unload and rest his cattle, feed and water them, but on reaching there may find that there is a snowstorm or rain storm and that he is required to expose his cattle and injure them far more than the feed and rest will do them good, so he passes judgment upon the situation and directs that they shall go on, because he knows it best to do so. At other times cattle reach the pens and find them full of other cattle and it will require that his cattle remain standing in the cars on a side track for from two to five or six hours in order to be unloaded at all, and he may thus find it best for the cattle to go on and make a longer run than he had intended rather than to unload. Should the law prevent him doing so?

We assert it as a principle that it is beyond peradventure that a shipper can better judge whether the live stock ought to be unloaded from the circumstances as they present themselves than Congress or anyone else can judge in advance, and that his best interest is to give his cattle the best possible treatment.

But it may be said that notwithstanding most men are careful and conduct their business on lines of humanity and to their own interest, yet some will be careless and will permit their cattle to stay a long time on cars if left to their discretion, and that they will be permitted to suffer, and that the law is intended to reach that class of persons. But it must not be overlooked that, while reaching an apparently few of that class, it will produce injury to the man who conducts his business carefully. The experience and judgment is that little injury will ever result from extending this time to thirty-six hours, when serious injury will result from enforcing the twenty-eight-hour law.

If the few will commit acts of inhumanity, let them be prosecuted for their acts or neglect, but do not on that account compel others to do infinitely greater inhumanity and also incur great loss in their business as judiciously conducted.

SIXTH.—The railroads are not given right to make slower time.

But it may be said that the railroads will simply make use of the additional time; that they will run slower, and at last the extension of time will do the shipper no good. Of course no law can be passed that may not occasionally be made use of for ulterior ends. It may be in some instances that might so happen, but the common law requires that the railroads use due diligence in the transportation of live stock. It has been a source of complaint that they have been compelled to pay a great many damage claims for delay, and the inducement for diligent service, which is brought about by their liability for delay, is a sufficient guaranty that they will not undertake to take advantage of this extension of time, for the matter will be in the hands of the shipper to require a performance of their duty as the law requires or to answer to him in damages, so he has it within his power to thus compel the performance of that duty. When the twenty-eight-hour law was not in force, simply laid dormant upon the statute books from a practical standpoint, these runs, which have been heretofore described, between principal market places and points of reshipment were customarily made in thirty or thirty-one hours, and the railroads did not then take advantage of it as affording any excuse for slow running, neither was the twenty-eight-hour law made use of to fix the liability of the railroad for delay; it is based on the common-law requirement of diligence. The extension of the time to thirty-six hours will not affect in any way the liability of the railroads for negligent delay.

Furthermore, during the time that the twenty-eight-hour law was being enforced the railroads gave no better speed and service than they did when it was not being enforced, if as good.

If they are disposed to take advantage of the law, then by slow running they are always compelled to unload, and in that case are not liable for a penalty. When you have reached a convenient place for unloading at any point on its line, if in the judgment of the railroad it will take longer than twenty-eight hours to reach the next point, what happens? Your live stock is unloaded arbitrarily without your consent, contrary to your judgment, and can't help yourself. This is exactly what has been found by experience.

SEVENTH.

It is all a mistake to suppose that the enforcement of the twenty-eight-hour law will secure better service. That law requires no speed schedule or that any distance shall be covered in that time. If the law required a speed schedule it would not likely require an average of over 20 miles per hour between division points, and must except accidents, storms, and floods, so that if the time not be extended, an unloading would generally be required in shipments for distances of 500 or 600 miles unless the time is extended.

Now, let me suppose two cases, one observing the law, the other not. A ships from Denver to Kansas City 10 cars of cattle. They are delayed in the yards at Denver two hours; they reach Limon Junction, 90 miles east, and are delayed there two hours. They reach Manhattan in twenty-eight hours and are unloaded because of the twenty-eight-hour law. They are taken on after eight hours and are delayed at Topeka behind a wreck for four hours, an engine breaks down 15 miles out of Kansas City and there is another hour's delay. Now, that shipper is sore; so are his cattle. He reaches Kansas City and the market is not as good as it ought to be, and he is still sorer.

Now B shipped on the same day over another railroad from Denver 10 cars of cattle bought out of the same herd, exactly the same sort of cattle, but did not stop, making the run in thirty-three hours. When A meets B he inquires what his cattle brought and finds that they got in just at the opening of the market and sold for 30 cents per hundred above A's cattle. That settles it. A files his claim for damages. If it is not paid he sues and recovers the whole or a part of it for negligent delay and consequent shrinkage and deterioration in value of his cattle. But his suit is not based on the violation of the twenty-eight-hour law at all; it was not violated as to him, while B has no damages to claim, although the law was violated as to him.

These reasons for amending the law are founded upon the facts which we can prove; the arguments can not be controverted if the facts are true.

For these reasons, in the name of justice, fairness, and humanity, let the time limit be extended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Tuesday, January 30, 1906.

The committee met at 10.30 o'clock a. m., Hon. William P. Hepburn in the chair.

The CHAIRMAN. The present order is the consideration of House bill 47 and similar bills. There are some gentlemen here in opposition to the recommendation of this bill.

STATEMENT OF MR. C. A. SNOW, OF WASHINGTON, D. C.

Mr. SNOW. Mr. Chairman and gentlemen of the committee, there are three or four of us who desire to address you very briefly in opposition to any of the bills extending the time that cattle may be held on the cars without food or water from the twenty-eight hours provided under the present law.

Mr. MANN. Will you not first tell us who you are and whom you represent?

Mr. SNOW. C. A. Snow, of Washington City. I was going to tell you whom I represented. I am president of the local humane society, the society for the prevention of cruelty to animals; but I wish to say in reference to myself and those who will follow me in brief remarks, that we do not appear here as retained attorneys for the society; that we have no retainer. We appear as friends of the society and represent no other interest in opposition to this bill, and I wish to disclaim also, with some emphasis, that we profess any unique or peculiar humanity. We believe that nearly everybody is as humane as we are, that people in general have just as kind hearts and just as extensive bowels of mercy.

The CHAIRMAN. Let me ask you whether you have any peculiar means of information on the subject?

Mr. SNOW. We think we have. We think from habitude we have been able to investigate this subject and look at it from a different standpoint than those who have addressed you heretofore.

The CHAIRMAN. Have you ever been a shipper of animals?

Mr. SNOW. I have in a very small way. I have shipped horses—that is, I have had horses shipped to me, and I have seen them shipped.

The CHAIRMAN. You understand what I mean; have you any practical knowledge?

Mr. SNOW. I am not a stockman or a shipper, but I have some practical knowledge of the matter.

We are far from looking on the gentlemen who represent the cattle interest as inhuman monsters. We are happy to believe that they are passively humane and that intentional cruelty is impossible for them. It is doubtless to their interest to look out for the comfort of their animate, sentient property, for otherwise it will deteriorate and they will suffer pecuniary loss. They have an interest in these animals like the interest the master once had in his human chattel, but a smaller interest, for the quadruped is less valuable than the biped was, and therefore not worth so much care. These gentlemen, while not militantly cruel and only cruel as a matter of business, look upon these animals as merchandise mainly, and think of their comfort only as relates to profit. We are not thinking of them in that way. I disclaim any sentimental love for them, but they are big-

brained, highly organized vertebrates like ourselves and have a corresponding bone, nerve, and muscle for everything in our anatomy.

This complete physical correspondence is a curious and suggestive fact, but a fact it is, as the text-books on comparative anatomy agree. I would fain believe that in some respects they suffer less than we do. In other respects I think they suffer more. What right have we to make or permit them to suffer? Is it anything but the right of might? We who ride in Pullman cars, with dining car attached and eat three meals a day, with occasionally nips and naps between, complaining all the while of the discomforts of travel—what arrant egoists and cowards we are to be indifferent to the torture of these animals only because they can not vote or strike or assassinate! Twenty-eight hours, as anyone familiar with his stomach (and most men are) and as anyone familiar with cattle knows, is at least three times too long.

These gentlemen want the time extended to thirty-six hours. We want it reduced to nine or seven hours; either that or to have the cattle car so comfortable and so commodious and so supplied with food and water that the animal may not be compelled to die a daily death of starvation before he is given the boon of death at the slaughterhouse.

I know well the answer the cattle interest and the railroads will make to any suggestion of radical changes in transportation for the benefit of these animals. "It won't pay." That is the rub. But it will pay, and sooner or later the railroads and the cattlemen must come together and assemble and adopt the best features of the 150 expired patents for improved cattle cars, or they must adopt the better plan of establishing slaughterhouses at points farther west and nearer the points of shipment. No question is ever settled until it is settled right, and this question can not be settled merely upon the question of percentage and profit, either for the railroads or the cattle owners.

We have no doubt that the enforcement of the present twenty-eight-hour law in some exceptional cases involves loss and annoyance to the shipper, and possibly in rarer instances in hardship and even cruelty to animals; but this is exceptional, and the remedy should be in the direction not of longer hours of torture and hunger, but in more frequent stoppages at shorter intervals of time, or, as has been suggested, in more comfortable transportation, with food or water, or, still better, by hauling the insensate carcass instead of the live, sensitive, and suffering animal. The time has come for the cause of these animals to be heard, and it is our policy, by the rigid enforcement of this twenty-eight-hour law, to make it so expensive and tedious for the cattle interests and the railroads that they will be compelled to treat these animals with greater consideration and kindness than they have perhaps dreamed of.

There is something more in this cattle transportation question than extracting the limit of profit either for the railroads or for the cattle owners. They may do two things within the bounds of "live and let live." I am only asking that they do not make them suffer many deaths before they are killed. There are two things they can do—supply them with comfortable transportation, with food and water on the car, or, better still, give them the coup de grâce before they subject them to the tortures of transportation under present condi-

tions. Their answer will be that either of these plans will involve more expense, but what of it? Shall we weigh torture against pitiful profit and let the profit win? We do not do that if the vertebrate is of our own species, and we must not do it with vertebrates of other species merely because they are defenseless.

You gentlemen of the committee are here, not alone because your constituents represent this or that material interest. There are other interests in a great country—the greatest country. You represent the highest intelligence and morality of your several sections. You are not aware that there is a larger, broader altruism in the air than relates to our own species merely. Modern science, in discovering the greater and more intimate parallelism and relationship of all animal life, has uplifted what we call the brute until it appears nearer, much nearer, the primacy claimed for man. Man is no doubt the greatest beast of prey in the world, but he must not torture before he kills.

Mr. MANN. Will you explain to the committee the difference between the American Humane Society and the Society for the Prevention of Cruelty to Animals?

Mr. SNOW. It is somewhat difficult to explain it; perhaps there is no difference.

Mr. MANN. I mean in the organization, not in their purposes.

Mr. SNOW. They have a single purpose, I may say, or single purposes, or the same purposes. The American Association has its headquarters at Albany and claims to represent a large number of societies and a large number of societies are in some way affiliated with it. There are the societies engaged in the same work that are not affiliated with the American Humane Association, but they are in entire accord as far as their work is concerned, and there is no antagonism so far as I know between any of them.

Mr. MANN. Do you represent the American Humane Association?

Mr. SNOW. I happen to be vice-president, and I may say I represent them.

Mr. MANN. What I really wanted to get at was whether Doctor Stillman would want another hearing.

Mr. SNOW. On another occasion?

Mr. MANN. Yes.

Mr. SNOW. I do not think he will. Mr. Kennedy also represents that society.

Mr. MANN. We have had some correspondence with Doctor Stillman about a hearing, and I did not know whether he wanted a hearing at some later time or whether you represent what he represents.

Mr. SNOW. Both Mr. Kennedy and I represent Doctor Stillman, the president of the American Humane Society.

STATEMENT OF MR. CRAMMOND KENNEDY.

Mr. KENNEDY. My name is Crammond Kennedy, and I am a lawyer, but the only clients I have here to-day are the cattle. We are here, all of us, no matter what our occupations in life, as friends of the animals and in opposition to the extension of time for their transportation, as proposed in the different bills before the committee. I have some evidence that I am going to lay before you, with your per-

mission, but before doing so I want to speak for a moment or two on the attitude which I think we should hold to this question.

It is perfectly clear that if we consider the subject from the religious or theological point of view that the animal kingdom is just as truly the kingdom of God as is the kingdom of man. We are all involved in this mystery of life and death. The most wonderful thing that there is in the universe is that we are here at all, and as we grow older we feel the oneness of all sentient nature, just because we feel deeper and deeper the mystery of its source. You remember that when the Shepherd King wrote the Psalms that used to be so much more familiar than they are now—for the Bible is becoming something like the Declaration of Independence, almost obsolete—you remember that, speaking for the Almighty, David said: "If I were hungry I would not tell thee, for all the beasts of the field are mine and the cattle on a thousand hills." I want to read to you just a line or two of that litany when he speaks of the Almighty:

He sendeth the springs into the valleys which run among the hills; they give drink to every beast of the field, the wild asses quench their thirst. By them shall the fowls of the heaven have their habitation, which sing among the branches.

What would the world of nature be without the music of the birds, and who taught them to sing and to fly, and who gave them the unerring instinct? Look at the homing pigeon that sweeps by on its airy path ahead of the train. Now, all these faculties must come from the same divine source, or, if you do not call it divine, from the same mysterious source from which our faculties come.

Oh, Lord [the psalmist sings], how manifold are Thy works!

In wisdom hast Thou made them all; the earth is full of Thy riches.

Then comes a vision of the sea.

So is this great and wide sea, wherein are things creeping innumerable, both small and great. There go the ships; there is that leviathan which Thou hast made to play therein; these all wait upon Thee that Thou mayest give them their meat in due season.

That is the Old Testament.

Look at the New Testament:

Consider [said the great Jew that we worship as God] the fowls of the air; they toil not, they reap not, they do not gather into barns, and yet will the Heavenly Father feed them. Are not two sparrows sold for a farthing? And one of them shalt not fall on the ground without your Father.

Now, look at the subject a moment from the scientific point. You can not but be impressed with the fact, as we are all impressed with it, only we do not let it have the weight with us that we should in considering such subjects as these, that there is no feeling that a man has that is exclusive to him and that is not shared by the animal. He has no monopoly of the senses at all, no superior sight, no superior hearing, and there are many powers that the animals have that men do not have, or many powers that the animals have in a greater degree. I was greatly impressed with the argument made by the cattlemen; the frankness with which they admitted the sensitiveness of animals and their subjection, sometimes utter and abject, to the passion of fear. One of these men, talking to us in a private interview, said that when sheep were being driven out of the cars they would sometimes get so terror stricken with the strangeness of their situation

that they would lie down, and you would have to kill a sheep before you could get him to move. You remember that?

If you will excuse me for again referring to the Bible—for although I am not a preacher I have great love for the Book—"Like the lamb dumb before his shearer so he openeth not his mouth." Now, it seems to me when it is so clear, both from the religious and scientific point of view, that we are in a sense all of us sentient creatures, bound up in this mystery of life and death, that it is a high part of legislation for men of hearts and brains to sit around this table and consider how best the interests of our dumb and helpless fellow-creatures and fellow-mortals can be conserved, and now, with your permission, I want to say—and I am sorry to say it—that it does not seem that we can depend upon improved cars as a means of shortening the time of confinement of the animals in transit without food and water. It seems that these cars do not in any general and practical sense supply these necessities of food and water.

I have here a statement from the Denver society, which is incorporated under the laws of the State of Colorado, and in this pamphlet are addresses by Mr. E. K. Whitehead, of Denver, to Mr. A. Mallard, president of the United States National Bank, of Omaha. It seems that this society out there has had men throughout the State watching how cattle are handled and reporting upon the effects of transportation upon them, especially the injurious effects.

I wish I could read the whole of this, but it is long, and I will only read a sentence here and there.

"The stockmen persuaded Secretary Wilson that cattle are now loaded loosely in cars, so that a third can lie down and rest all the time."

That is what Senator Burkett's correspondent told him.

"Now, to a stockman this statement is pretty near the limit of absurdity."

He means that they are packed in practically just as tight as they can be.

"But they presumed on Secretary Wilson's lack of practical information, and insisted seriously on the alleged fact and made him believe it, with the result that his Department issued an order based upon this 'fact.' The Department has been the laughingstock of the West ever since, of no one more than the very men who duped him into an error so ridiculous. They will do the same thing with our Senators and Members of Congress if they can and laugh at them afterwards, not only with respect to this particular thing, but any other which will serve their purpose."

"I can make this point clearer when I take up one by one the claims of the estimable gentleman referred to in Senator Burkett's letter. The way in which Senator Burkett refers to him indicates his confidence in him in general and disposition on that account to believe what he says about this. How mistaken such confidence would be you may judge from what I shall later on show in detail."

Now, here are some details:

"Stockmen claim that they should be the best judges of what is best for the stock and that self-interest will insure their stock being cared for by the owners."

But the law has to guard against this fallacy. It is a general principle. Of course it is to a large extent true that we will be guided

by our interest, but we are not always the best judges of our interest, and sometimes passions get the better of us. Sometimes we take risks. I have seen some of the most hideous pictures illustrating that statement. A man wants a shipload of mules landed in Manila, or perhaps they may be imported carabaos, or he wants oxen, which were scarce in Cuba after the war, landed at one of the Cuban ports. Now, it will take time and money to fit up the partitions with stanchions, and if the sea is smooth and the sky is blue, and the man thinks he can get the cattle to their destination without trouble, he takes the risk; and what happens? The wind and the sea rise and these cattle lose their footing and are piled on top of each other, and they are dragged out dead and dying, or perhaps they are pitched overboard before they get to their destination. Now, it was for that man's interest to have spent a little money and put the cattle between stanchions, so that they could not get down. I say that you, as legislators, are to provide against this devil-may-care kind of disposition that so many people have when they are bent on attaining some immediate and present purpose of their own. Now, to get back to this statement:

"Stockmen claim they should be the best judges of what is best for the stock and that self-interest will insure their stock being cared for by the owners."

On the face of it this would appear to be true; but, as a matter of fact, there is no other business on earth conducted more on the penny-wise and pound-foolish principle, no other business in which the most brutal indifference to animal suffering so generally prevails.

The census of 1900 gives the number of range cattle as 29,000,000. "As I write these words," says this man, "there are literally millions of them on the ranges of the West already starving. They will continue to starve slowly until spring. Hundreds of thousands will die, and the rest of those already starving will almost, but not, die. This happens every year. Stockmen count regularly on a certain percentage of loss from starvation, thirst, and cold. Necessarily unavoidable? Not at all. It is the way the business is run. It is the regular thing. In most places little or no attempt is made to provide food, water, or shelter. If 5 per cent, or 10 per cent, or 15 per cent starve to death, there is still a profit; so why feed or water or shelter?"

Right here I want to interject a piece of experience of a cousin of mine from Scotland, who is now a sheep farmer in Texas. The first winter that he was there, finding that nobody provided food for the sheep, he followed the way of the country, and there came a bitterly cold season, and he and his neighbors lost from 40 to 50 per cent of their entire flocks. Next spring he put every horse and ox he could muster to work plowing, and from that day to this he has had granaries full of food for his sheep through the winter, and he has prospered, as he ought to do. It was hard work at first, and people laughed at him, but he turned the furrows and sowed the seed and got the alfalfa and the hay, and now his flocks are the pride of the whole vicinity, because he takes care of them. I tell you it pays to do things right, and we are suffering as a Republic to-day from our wastefulness and our uneconomical habits. This man says, to continue this statement: "If in unusually bad years 25 or even 50 per cent die—why? 'It is an unusually bad year,' 'bad luck,'

'heavy losses,' and so forth and so on. That these losses with their inseparable hideous suffering could be prevented by the ordinary care given dumb animals elsewhere does not seem to occur to the stockmen in the West."

The CHAIRMAN. Who is the writer?

Mr. KENNEDY. Mr. Whitehead, of Denver, Colo.

Mr. MANN. He is the representative of the humane association of that place?

Mr. KENNEDY. Yes; in that city, and he is in correspondence, as most of those humane associations are, with the society about which you inquire—the Federal organization which tries to unify the efforts of these various local humane societies throughout the country.

Mr. MANN. Do you know what Mr. Whitehead's business is?

Mr. KENNEDY. I do not; but, as you will see in a moment, he is speaking from his personal knowledge or from the official reports that have been made to this society by men whom they have sent out to see how the cattle are handled, and I will come to that in a moment.

Mr. MANN. To be perfectly fair to you, I would say that the stockmen, or some of them, have charged that Mr. Whitehead knows nothing about the business, has had no experience in it, and they have stated that his opinions were formed really by direction of the president of the American Humane Association.

Mr. KENNEDY. You will see in a moment that if he has not personal knowledge he has the most direct kind of evidence.

Mr. BARTLETT. May I ask you how the passage or nonpassage of this bill is going to remedy the deplorable state of affairs related there in reference to the starvation of the cattle during the winter?

Mr. KENNEDY. It would not; but, if you will pardon me, it has this bearing on the discussion; it shows that self-interest can not be depended upon to prevent cruelty.

Mr. BARTLETT. Your illustration rather shows that it can be depended upon in a great measure, because from the experience the owner of the sheep had, which you have referred to, and his loss, he provided for them the next winter.

Mr. KENNEDY. Yes; but that was a Scotchman, and they are canny. I am sorry that I can not say that he has had many imitators. I wish I could.

Mr. MANN. You can not speak from personal knowledge as to the others, but you know in reference to your cousin?

Mr. KENNEDY. Yes.

Mr. MANN. You do not know about the others?

Mr. KENNEDY. Only as most men who read know that it is a fact that out in that country provision is not made as a rule for taking care of cattle and sheep by feeding them through the winter.

Mr. BARTLETT. A great many people are unable to take care of themselves.

Mr. KENNEDY. That is true; and the rest of us who have a little more than we need, when we find out about it, divide or give them something from what we have. Now, here is a fact—if it is a fact—that strikes me as very suggestive:

"Already, not yet midwinter, and an unusually mild season, the western newspapers are publishing items about local snowstorms in various places, with the usual comment, 'It is feared stock losses will be heavy.' At this very moment the officers of this board are at work

rescuing starving stock, neglected and abandoned by their owners in the snow. These officers will be at work in this way from now until next April. Last year, as in other years, they rescued from death by starvation and exposure thousands of head of stock in this State alone."

Now, one thing more, and then I will leave this:

"Secretary Johnson, of the Colorado Cattle and Horse Growers' Association, tells me this: A Colorado calf is worth \$2 more than an Iowa calf; the Colorado yearling \$3 less; a Colorado 2-year-old, \$15 less; a Colorado 3-year-old, only half what an Iowa 3-year-old is worth. Why? Because the Iowa animal is treated as an animal should be—fed, watered, and sheltered—while a Colorado animal is starved and frozen and dried up with thirst. The Iowa animal is typical of those east of the Missouri; the Colorado one typical of those west of it.

"These are the men who insist in the discussion that what is best for the animals should be left to them. East of the Missouri River there is no demand for the extension to thirty-six hours, except that made or encouraged by Chicago live-stock interests."

Then he takes that proposition up, that the only demand for extension comes from the range-cattle country. (Reading:)

"In other words, in order to relieve a comparatively few stockmen of a hardship existing in a comparatively few instances of shipping a few kinds of stock in one part only of the United States it is proposed to adopt an amendment which must unavoidably be universal in its application and affect all shipments of any kind of stock under any sort of conditions anywhere in the United States."

Now, I have from another source, namely, the report of this same American Humane Association, the results of a personal inspection by an honest and an intelligent cattleman, a man that had had experience in the transportation of cattle that they sent out on the road.

Mr. MANN. May I ask you in reference to that whether you refer to the report of the American Humane Association pamphlet for 1901?

Mr. KENNEDY. That is it, sir.

Mr. MANN. That was Mr. Levi Doty?

Mr. KENNEDY. Yes.

Mr. MANN. Do you know him?

Mr. KENNEDY. No.

Mr. MANN. Do you know whether he made an investigation for the American Humane Association?

Mr. KENNEDY. So it seems from this pamphlet.

Mr. MANN. Under pay?

Mr. KENNEDY. Yes.

Mr. MANN. Each of us received a letter from Mr. Doty protesting against the passage of this bill, and also stating that he was not a member of any humane society, and that he was not in the pay of any humane society.

Mr. KENNEDY. Probably that is true. I have no doubt his expenses were paid.

Mr. MANN. Probably it was true at the time he stated it.

Mr. KENNEDY. You could not get a man, unless he was a man of means and a philanthropist, to undertake work of that sort without any compensation. In a sense we are all paid.

Mr. MANN. I am not criticising him.

Mr. KENNEDY. And the report, as you will notice, is 1901, which is four or five years ago.

Mr. MANN. I have read the report.

Mr. KENNEDY. I want to read a sentence or two of it on account of its bearing on the proposition that you can depend upon the modern improvements in cattle cars to meet the necessity of food and drink, and so to justify you in extending the time during which cattle in transit may be confined. "Another effort was made," says this report, "by your committee during the past year to investigate the transportation of live stock by sending out Mr. Levi Doty on three journeys, undertaken between January 24 and July 1. Two of these took him to Texas, the other as far as Colorado. A synopsis of his report may be given under the following head:

PALACE STOCK CARS AND THE EXTENT TO WHICH THEY ARE USED.

At Chicago inspected 184 of these cars, which had just arrived. The dust and dirt in them showed that they had not contained water for a long time. Also at Chicago inspected 33 cars loaded with cattle. Not one was used for watering stock. Most of them had holes in the troughs. At La Junta 250 such cars were inspected, none of which had been used for watering, and at least 25 per cent could not be used, as they were in bad order. The cattle unloaded from these cars were very thirsty and looked in very bad condition (the thermometer 105° in the shade). At Fort Madison, Iowa, a feeding point of the Santa Fe Railway, the manager of the stock yards stated that during the nine years in which he had been there he had seen only two or three attempts to water stock on cars, and those attempts proved failures. The troughs were filled with water, but the cattle would only smell it, and refused to drink. At Kansas City saw about 50 palace stock cars unloaded. The troughs were out of order and had not been used. On another occasion saw hundreds of these cars there, not one of which showed any signs of having been used for watering.

Several shippers at Chicago all agree that the use of palace cars for watering is not practicable. It is impossible, they say, to fill the troughs without splashing the cattle and terrifying them. Besides, the troughs are always befouled by the cattle themselves.

At Denver several stockmen testified to the same effect. Mr. Doty himself reports that in all his travels and in all his observations of thousands of carloads in the past twenty years he has never seen a single attempt to water cattle or horses on cars, excepting in 1883, when he accompanied one of Street's palace cars from Chicago to Pittsburg, and on that occasion he telegraphed ahead and had a hose ready at the station, and then it proved impracticable. He says that no one, at least west of Chicago, makes a practice of watering on cars.

In connection with the troughs there is another thing which is not mentioned here, but which might be stated. It was stated by one of the cattlemen that addressed the committee. It is this fact: The water, owing to the jerking of the train, slops over and makes it almost impossible for the cattle to keep their feet on the wet floors,

and it seems to me that common sense would suggest that that is a very serious difficulty.

Under the heading of "Length of time cattle are confined on cars"—and it seems that this twenty-eight-hour law has not been rigidly enforced, indeed it had almost become a dead letter until a period quite recently—this goes on to say:

"At Denison, Tex., Mr. Doty learned that stock is run through from that point to Kansas City and St. Louis, a journey of thirty-six to forty hours, without feed or water. While he was at Kansas City some cattle arrived that had been on the cars forty hours and had traveled 600 miles; they looked very gaunt and feverish and were suffering very badly from want of water and feed (temperature 89° in the shade). Over 16,000 hogs also arrived, many of which died from the effects of the heat. John Lorimer, one of the men engaged at the Kansas City stock yards, testified that 'from twenty-four to twenty-eight hours is long enough for cattle on the cars. If kept longer they become feverish and gaunt and don't sell, besides suffering much.'

"Mr. Conroy, of Conroy & Brothers, wholesale dealers in horses and mules at Kansas City, says: 'Mules will stand as much shipping as any living creature, and twenty-four hours is long enough for them; they should not be kept on cars more than twenty-eight hours in case of necessity.'

"Mr. J. O. Sims, of Lockwood, Okla., who has been in the live-stock business twenty years, says he would not leave cattle on cars over thirty-six hours, and that it would injure them to go so long. At La Junta 800 cattle arrived from Silver City, Mexico (626 miles). They had been on cars thirty-two hours, and were held in the yards all day without feed (although watered) while being branded; they were very gaunt and weak. On a later visit to La Junta saw eight cars of cattle unloaded; they were very thirsty and looked very bad (temperature, 105° in the shade); they had come through from Silver City, Mexico, in three days, with one stop (at Albuquerque) for feed and water. At Kansas City saw several carloads of horses that had been on the road thirty-six hours without water or feed. They were gaunt and feverish, and when they got to the water they had to be forced away for fear of killing themselves by overdrinking. A man in charge of another lot of three carloads said that he had lost on the road eight head from their drinking too much at the first feeding point reached. At Denver the train dispatcher said that he is often begged by stockmen to allow them to run through without feed and water, and that they offer to sign an agreement to indemnify him against any fine or expense that may be suffered in consequence of violating the law."

Now, there is a lady here whose son has had some practical experience and a good deal of observation in the transportation of cattle, and I have seen a letter that he wrote to his mother in which he says that while he was in charge of one of those trains it was his business and the business of those with him to run along the cars when the train stopped and get every animal up on his feet that had fallen or lain down, and, to my surprise, he states they begin to lie down or fall down much sooner than I think most of us have any idea of. I think you will remember that one of the cattlemen who appeared here stated—or perhaps it was Judge Cowan, who spoke so forcibly in

behalf of the cattle interests—that some of the animals would drop in twenty-eight hours, a good many more in thirty hours, the number increasing up to thirty-six or forty hours, when, if the circumstances were adverse, such as a very high temperature, or perhaps the opposite, a very low temperature, two-thirds of the cattle might be down.

Now, gentlemen, the only way, it seems to me, for you to do in the matter of this legislation is to draw the line on the safe side of collapse. It is perfectly horrible—and you have no conception of it unless you have seen it—it is perfectly horrible when weariness and dejection get to the point when the animals let go. They stand and stagger and press themselves up against each other while the car is jolting along, and one and two and three and four and five and ten and fifteen and twenty hours pass by, and then some of them—the weaker ones—begin to drop. I say that if there was nothing else to be said on that subject but this, that the only safe plan in the interest of the cattlemen themselves and in the interest of the people who eat the flesh and in the interest of humanity—because we do not want to get as hard as flint and selfish and careless in all these interests—the only thing, it seems to me, for you to do is at least to retain the present limit, if you do not shorten it, and in that way prevent the appalling suffering that comes when the cattle give up and lie down and one is piled on the top of the other.

MR. ESCH. Do you know whether the German Government or any foreign government has ever urged as a reason for the prohibition of the importation of American meat products this excessive confinement of cattle on American trains?

MR. KENNEDY. No, sir; I do not; but I do know that men who make a study of food have all agreed and have insisted with a great deal of earnestness on the fact that sheep and cattle are of such a nervous organization that when they are frightened, as they are being huddled and jolted for hours in that way and then kept from food and water, all of these experts agree that the effect of the fright and the ensuing fever on the flesh is very deleterious. That is one of the Almighty's ways of keeping us within bounds. We can not break even the laws of humanity without Nemesis being after us, and it is good that it is so; because if it were not so we would do as we pleased.

THE CHAIRMAN. Have you looked at the economic side of this matter? Supposing your suggestion was enacted into law, and that the stoppages should occur every six hours or eight hours or ten hours, what would be the effect of a rule of that kind on these 29,000,000 cattle?

MR. KENNEDY. I think the chairman has misunderstood me. I have no idea of suggesting that the committee should do anything in that line more than to retain the present limit of twenty-eight hours.

THE CHAIRMAN. I understood you to say that you would have them stocked every eight or ten hours.

MR. SNOW. It was I that made the suggestion that the chairman speaks of, that the stoppages should be made every six or seven hours. I know, of course, that it is economically impossible. The result would be that sooner or later slaughterhouses would have to be established at the other end of the line, and instead of those great slaughtering excrescences at Chicago they would be scattered over the

western country, and the animal would be transported in the shape of a carcass. I say that of course that is impossible now, but nevertheless it is bound to come sooner or later, and the cattlemen admit it; have admitted it; some of those that have been here have admitted it.

The CHAIRMAN. That suggestion would apply to the fat cattle, but they would not apply to what are known as stockers, which class perhaps constitutes fully an equal number of the western cattle.

Mr. KENNEDY. I suppose the stockers are probably more numerous than the others. I think the wild cattle—that is, the cattle that have been in extensive ranges—are more numerous than the so-called fat cattle.

Mr. MANN. I suppose it is perfectly manifest that you could not bring stockers from Montana to Iowa to feed after you had killed them.

Mr. KENNEDY. That was a sort of pleasantry—that the carcasses would travel comfortably. I was going to say what I would like to see—and I think we all would like to see it whether we regard it as possible or not—we would all like to see the regular lines of cattle transportation so provided with facilities for unloading and feeding and watering that no train, as a rule, would need to be longer than twenty-eight hours in transit.

The CHAIRMAN. These gentlemen that have argued this matter before us heretofore have confined their arguments to certain conditions that have been shown, which are probably true. You have stated, which I think they agree to, that there are something like 29,000,000 wild cattle on the ranges. Their contention is that to lengthen the hours minimizes the suffering to each individual animal; they say that they suffer more, are injured more, by being taken out and put into the cars frequently than if permitted to run through the whole distance; that is their contention. Now, have you anything to say or any proof to make or suggestions to offer in regard to that?

Mr. KENNEDY. Yes, sir.

The CHAIRMAN. That is a practical view of it?

Mr. KENNEDY. That is the practical view, Mr. Chairman. I think that there are admissions in regard to the time when the cattle begin to drop in the cars and the increase of the collapse up to forty hours, and remember that not one of these men spoke of a time beyond forty hours; the admission is that from a period somewhere midway, we will say twenty hours, up to forty hours, there is an increasing number of cattle falling down, and then confusion itself gets worse founded and suffering and, you might say agony, becomes the rule. I think those admissions of the cattlemen make it clearly right for you to recommend that the statutory period of twenty-eight hours shall not be diminished. I think that is perfectly clear.

Mr. MANN. It is merely a question of humanity in the end—that is, humane treatment. That is what you want; that is what we want; that is what the cattlemen say they want.

Mr. KENNEDY. Yes; but remember it is a business with the cattlemen, and that, although the slaveholder used to say—and say truly, in my opinion—that the natural feeling of every slaveholder was to be kind to his slaves, nevertheless, we had the middle passage.

Mr. MANN. That slave question is an apt illustration, but that has

gone by, after all, and we have the one practical question before us. If we should be convinced, after all the hearings, that it would be more humane to the cattle to extend the time for running them through than it is to keep the present time and unload them—if we believed it would be more humane to the cattle in the end, what would you advise us to do?

Mr. KENNEDY. If you really believe it, then I would advise you to act on your belief; but if you believe that, with all deference, it seems to me that you would believe it against the evidence of the cattlemen themselves.

They said a great deal about purchasing the cattle, and stated that you could not get a steer to move unless prodded with poles that have iron spikes on the end of them to make them get in or out of the car. But that is nothing. I speak with some knowledge of physical suffering and endurance, because I served in the civil war, and in the Tennessee campaign for days we had nothing to live on, nothing to eat; I have lived for three days on what grains of moldy corn I could carry in my trousers pocket. And so I say the dejection that comes to an animal that can not reason is more intense suffering than to a man, who can reason. I could cheer myself up and expect that a train of supplies that was held up would soon get through; but when you think of an animal, whose whole life is concentrated in the now, and that can not reason (although I believe that to some extent animals do reason), their condition is so different from ours, I say keep them huddled together, especially in view of the fact about their falling down (and I get my facts about that from the cattlemen themselves). I say if you do it you will do it against the evidence that the cattlemen themselves have laid before you.

Mr. BURKE. Was not that statement about cattle getting down in the twenty-eight-hour period confined largely to fat cattle and not range cattle?

Mr. KENNEDY. I did not so understand.

Mr. BURKE. Did they not discriminate as between fat cattle and range cattle as to the length of time they would stand without getting down?

Mr. KENNEDY. I do not recollect that. With all deference, I would think it would be the other way. I think the cattle in good condition would be able to keep their feet longer than the thinner and wilder cattle who were less used to being huddled together. The fat cattle have had more or less contact with man.

Mr. BARTLETT. Do you think a man weighing 120 pounds could stand up longer than a man weighing 200 pounds?

Mr. BURKE. But, as a matter of fact, the range cattle are hardier; they are accustomed to traveling and going without water for long periods of time, and they are better able to stand a long trip on the cars than fat cattle are.

Mr. KENNEDY. Yes; but you can train to a point beyond which comes collapse. Take cattle that have not been well fed and have only so much stamina by way of capital on which to draw, and they will not endure fatigue and suffering as well.

Mr. MANN. Mr. Kennedy, is not the best test as to whether the cattle suffer or not the condition in which they arrive at the market?

Mr. KENNEDY. Yes; I think that affords the most conclusive kind of proof.

Mr. MANN. Is not the best test of the condition they arrive in the condition of the meat when they are killed immediately or shortly after they arrive?

Mr. KENNEDY. But, you know, just before they get to the market it is common to let them out and keep them quite a time, so they may get over the effects of the journey.

Mr. MANN. I think you are entirely mistaken about that.

Mr. KENNEDY. I am sure some of the cattlemen said so.

Mr. MANN. Let me say that until last summer the twenty-eight-hour law had not been enforced for a long time, probably. The Secretary of Agriculture made an order enforcing the twenty-eight-hour law last summer, and it was observed for fear of penalty. The observation of people receiving the cattle and of the people killing the cattle at that time ought to be of some value. I received letters from all the packers, I think, in Chicago, stating that their observation during the time this order was enforced was to the effect that the meat was not as good and the condition of the cattle was not as good as when the twenty-eight-hour law was not observed and the cattle were run through without unloading. What have you to say in reference to those propositions? Have you had any experience on this subject? I do not pretend to know myself.

Mr. KENNEDY. Of course every lawyer is accustomed to weigh and compare evidence, and I should say if packers said that in their letters to you that they are in contradiction of the statements of the men who appeared here in favor of the extension of the time, and I say if crowding and endurance to the point of collapse are to be avoided it can not be that the more you have of it the better for the animals. If your argument, if I may call it an argument, is logical, why not extend the time indefinitely?

Mr. MANN. I am not making an argument, but trying to get any information you have on the subject.

Mr. STEVENS. Did you listen to the cattlemen's testimony the other day?

Mr. KENNEDY. Not their testimony before the subcommittee, but I was here at the meeting of the full committee in the morning. I heard Mr. Cowan.

Mr. STEVENS. I was present at both meetings, and as I remember—and I listened intently to every witness who testified—the testimony was all one way on this proposition; that where the law was enforced, as a rule, to Kansas City or Chicago, there would be required to be three unloadings and loadings on account of the enforcement of the law, and that that caused a great deal of suffering to the cattle and a great deal of impairing of their strength, and that that suffering was far more than would be caused by running them through; that the lay over outside of Chicago or Kansas City did the cattle more harm than good. I think the testimony was complete on that proposition. Now, do you know whether what those men told us was the truth or not?

Mr. KENNEDY. I should not like to charge anybody with deliberate falsification of the facts, and of course all we lawyers know how easy it is for people to believe what they want to believe and what it is to

their interest to believe. I say that about everybody; I do not say it with reference to the cattlemen especially. But my answer to the suggestion that the enforcement of the twenty-eight hour law produces unnecessary suffering would be this: That to the extent it does produce suffering it is largely because the railroads do not maintain the rate of speed which I think you should require them to maintain. I think that the railroads that are in the business of transporting cattle should be made—not all at once, but as their means allow and opportunity affords—they should be made to provide the proper facilities at the intervals that the bill as amended or as reenacted will call for. I can readily see that if a train goes 14 or 15 miles an hour when it ought to be going 20 miles an hour that it may bring its load of sentient creatures to a place at the end of twenty-eight hours where there are not proper facilities to feed and water, and that within four or five hours longer another better equipped place could be reached, and that it is a great pity to have the cattle unloaded at the end of that first journey and then load them again, and unload again when they get to the proper point. Such a case occurred in an illustration that a stockman gave. In a private conference with the cattlemen here one of them told me—and he struck me as being a tender-hearted man, as tender hearted as any of us——

Mr. MANN. You ought to state who it was.

Mr. KENNEDY. It was Mr. Philbrick. And I will say that about the other two men with him; I should trust my sheep and cattle with those men any day. Now, when I came to inquire I found that train got to Rawlins, where it was compelled to unload, because the railroad had not sent it forward as it should have done. It would have been perfectly possible to make the trip to Laramie within the twenty-eight hours if the law had provided, as Secretary Wilson suggests, that there should be a minimum speed. I think the Secretary suggests a minimum of 18 miles an hour.

Now, if you gentlemen, in your wisdom, think, as I believe you will think, that one of the ways of preventing unnecessary suffering and still continuing the twenty-eight-hour limit is to fix a minimum rate of speed and see to it that the railroads observe it——

The CHAIRMAN. I must admonish you that the committee will have to adjourn in a few minutes; that you only have four minutes remaining.

Mr. KENNEDY. I want to explain that it is only the questioning of the gentleman that has kept me so long on my feet, or I would have given away to somebody else long ago.

Another point I wanted to speak of was that it seems to me these cattle trains should have the right of way after passenger trains and before dead freight.

Mr. BARTLETT. Do you think Congress has the right to regulate the speed of trains?

Mr. MANN. Do you think your proposition would meet the question of sucking calves and lambs?

Mr. KENNEDY. I am just coming to the question of sucking calves. I think the interstate transportation of such calves to be butchered—as distinguished from the transfer of cows who have calves, from one range to another and across State lines—should be absolutely forbid-

den; and that would be to the interest, as a rule, of the stockmen themselves.

Mr. MANN. Perhaps you do not eat veal and lamb chops. They are very popular at my house.

Mr. KENNEDY. We are not dependent on the veal cutlets from calves that are taken away from their mothers when they can not eat or drink, and that are kept several days on the journey and are scarcely alive when they reach their destination.

The CHAIRMAN. The time for adjournment has arrived.

(Thereupon, at 12 o'clock, the committee adjourned.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Tuesday morning, February 20, 1906.

TWENTY-EGHT-HOUR LAW.

STATEMENT OF M. P. BUEL, OF THE CHICAGO LIVE STOCK
EXCHANGE.

Mr. BUEL was sworn by the chairman.

The CHAIRMAN (Mr. Hepburn). Please state your name and address.

Mr. BUEL. My name is M. P. Buel, and my address is Chicago, Ill.

The CHAIRMAN. What is your business?

Mr. BUEL. I am here representing the Chicago Live Stock Exchange, which is an organization made up of the shippers, feeders, and commission merchants, who organized this body with a membership of 700, representing, as we do, the largest market in the world.

The CHAIRMAN. Will you please state your business?

Mr. BUEL. My business is that of a commission merchant, a handler of live stock that is consigned to us by these various producers. In addition to that I own cattle and ship cattle myself, and have for thirty-five years.

The CHAIRMAN. I think I am correct in stating that the committee want to hear from practical men of the effect of keeping cattle in cars—the effect upon the cattle of the twenty-eight-hour law; and what would be the effect if that period should be extended to thirty-six or forty hours. Now, if you will address yourself to those questions we will be obliged to you.

Mr. BUEL. The experience I have had as a shipper leads me to state to this committee that it would be more of a humanitarian proposition to extend this law to thirty-six hours than to leave it as it is.

The CHAIRMAN. Why?

Mr. BUEL. Because necessarily in the unloading and reloading of live stock you bring about a condition that results in bruising of cattle and cruelty to the animals that would not exist if you allowed them to remain in cars a longer time.

Now, Mr. Chairman, further explaining that conclusion, I want to say that in thirty-odd years of experience that I have had as a shipper and a receiver of live stock it often happens that if stock is

permitted to remain in the cars a few hours longer than the twenty-eight-hour limit they would then reach their yard or destination, where we have proper and ample facilities for caring for that stock.

The CHAIRMAN. Suppose the period was fixed at forty hours; would you say the same of that?

Mr. BUEL. No; I would not. Experience teaches me that there is a time when stock should be taken from the cars and rested the same as a man on a journey. He can not travel continuously without stopping for rest.

Mr. TOWNSEND. What is that period?

Mr. BUEL. Thirty-six hours, in my judgment.

I want to state now that our association has for years been advocating the extension of this twenty-eight-hour law. Whenever the question has come up that there was a likelihood that the law would be enforced, we at Chicago, knowing as we do the result of the enforcement of that law, have taken it up and discussed it and presented it, perhaps, here in connection with other people as many as six or eight years ago.

The CHAIRMAN. Your association is made up largely of buyers, is it not?

Mr. BUEL. No, sir. Largely of commission men, but the principal buyers in Chicago are all members of our association.

The CHAIRMAN. Then the great bulk of the cattle that are purchased there are purchased by men who are members of your association?

Mr. BUEL. Yes, sir; nearly all of them.

The CHAIRMAN. And their interests are in the direction of having all the shrinkage possible in the steer before they buy, are they not?

Mr. BUEL. Not necessarily, Mr. Chairman. Their interest lies in the importance of having this live stock delivered there in the best possible condition, so that they will not be bruised. If you are endeavoring to get at the point whether or not they want to avoid that shrinkage, or get the benefit, I want to say that shrinkage is one thing only in connection with live stock. To explain: You take a bunch of cattle that has been given water. In due time they will gorge themselves with water to the extent that any expert buyer will see, which will result in his buying those cattle for a less amount than he would if they were gaunt.

Mr. RICHARDSON. Is your limit of thirty-six hours dependent upon the railroad schedules?

Mr. BUEL. No; not necessarily.

Mr. RICHARDSON. Isn't your opinion made up by reason of the knowledge that you have now of the railroad schedule; for instance, where cattle will leave a given place and reach another place within the limit of twenty-eight hours—at midnight? Necessarily there is a difficulty in unloading at that time, and do you not wish to extend the limit because of such considerations as that?

Mr. BUEL. Not necessarily on cattle. You can unload cattle in the dark, but with sheep it is almost a physical impossibility to unload them in the nighttime and get them out of the car. That would apply also to hogs.

Mr. RICHARDSON. According to that, then, you are somewhat influenced in wanting to extend the twenty-eight-hour limit to thirty-six hours by the schedules?

Mr. BUEL. Oh, no, sir; we are influenced because of the point that it lands the stock in the market in a less period of time and in a better condition.

Mr. ADAMSON. If you had the period extended to thirty-six hours, would you be able to reach Chicago from most of the territory without unloading?

Mr. BUEL. No, sir; they would have to be unloaded. Take the far western business—from the great plains of Montana, Washington, and all of that country—that stock has to be unloaded probably twice even if they were run thirty-six or forty hours.

Mr. BURKE. Can you state what proportion of the cattle marketed in Chicago reach Chicago within the twenty-eight-hour limit and then what proportion would reach there within the thirty-six hour limit?

Mr. BUEL. I could not. In fact I have not gone into that phase of the question at all. But I would draw an imaginary line within a radius of 250 miles of Chicago, then I would draw another one 250 miles west of there, and as an illustration to you to show that if a man is 500 or 600 miles from Chicago it is to his interest to unload the stock before reaching Chicago, but if within a radius of 250 miles, it is better to unload at the destination.

The CHAIRMAN. Does not the extending of this period have a tendency to build up the Chicago market at the expense of the smaller markets that are west of there, and is not that the object that you Chicago gentlemen have in urging it changed?

Mr. BUEL. Not at all, sir.

Mr. ADAMSON. What reason is there?

Mr. BUEL. Replying to the chairman, I would say that my particular firm and many other Chicago commission merchants have offices in the other markets; hence we get but one commission for our services. It is immaterial whether we earn it in Kansas City, Omaha, or Chicago.

The CHAIRMAN. Isn't it necessary that the cattle people throughout the United States should have as many markets as possible?

Mr. BUEL. Yes, sir; I think so.

The CHAIRMAN. Will not the action of this amendment be to do away with that multiplicity of markets?

Mr. BUEL. Not at all; for the reason that we have always had markets in New York, Jersey City, in Buffalo, in Pittsburg, in Cincinnati, in Cleveland, Ohio, notwithstanding Chicago grew to her immense proportions, and notwithstanding we have had markets along the Missouri River—Kansas City, St. Joe, Sioux City—and St. Paul, farther north; Fort Worth, Tex., also, in the extreme Southwest. And within the past three years Denver, Colo., has developed into quite a market. Hence it is fair to conclude that the building up of these other markets is the natural result of the increase in volume of the live-stock industry.

Mr. ADAMSON. So that from the interest of Chicago, which you claim is the greatest market in the world, what other reason is there that there should not be built up packing houses and slaughter-houses where the cattle are grown, so as to eliminate all of this question of cruelty to animals because of the long hauls?

Mr. BUEL. Because in running a large live-stock market you neces-

sarily need labor that you can not get in those small towns to perform the work that is necessary.

Mr. ADAMSON. Labor generally follows where it is wanted, does it not?

Mr. BUEL. It does under ordinary circumstances, but the packers have had great trouble time and time again in the far West in doing this, and I could state to you several cases where parties went into Montana ten or fifteen years ago and put up slaughterhouses and undertook to handle all of the by-products, and they came to grief. They told me personally that the great trouble was in getting help that knew their business and that would stay with them.

Mr. ADAMSON. Did they offer a fair division of the labor?

Mr. BUEL. Well, I was not in that business, and I could not answer that.

Mr. RYAN. If there was a market at Fort Worth would it not restrict the cattle growers in the Southwest to that market?

Mr. BUEL. No, sir; there is a market there. There are two large slaughterhouses there. Armour and Swift have large houses in Fort Worth, Tex., and they are killing a great many cattle there. I presume other gentlemen could give you the exact number.

Mr. RICHARDSON. You admit that the restriction and confinement placed upon cattle affect the market price, and that they become feverish before reaching the point of delivery. If that is true, how do you explain that if twenty-eight hours produces feverishness and reduces the price of cattle that thirty-six hours' confinement will do less than that?

Mr. BUEL. Because we take off these cattle at the expiration of twenty-eight hours. You necessarily have got to put them in yards—take them from the cars, yard them, and let them lay there five or six hours, and then put them back into the cars and run to the destination or market.

Mr. RICHARDSON. Isn't it a fact that when they are taken off now, under the twenty-eight-hour law, that they have four or five hours of rest?

Mr. BUEL. If you call it rest to put cattle into a yard where there are no special facilities for their convenience, where they can not lie down—

The CHAIRMAN. Ought not there to be facilities?

Mr. BUEL. They have facilities at certain intervals.

Mr. ADAMSON. After being packed in like sardines for twenty-eight hours, isn't it rest to get out and rack around and take some exercise?

Mr. BUEL. These cattle are not packed in the cars like sardines.

Mr. ADAMSON. They do not have a preservative applied to them, but the effect is much the same.

Mr. BUEL. Permit me to say that in about 1888 the railroad companies changed the manner of collecting freight from the per-car rate to the 100-pound rate. Now shippers have to pay on minimum weight, and the railroad companies established that through their own experience and the experience of receivers of cattle in the markets and the shippers, and placed that minimum weight such as give these cattle a sufficient amount of room that they are to take in the cars.

Mr. ESCH. Don't you put them in closely enough so that they won't fall down?

Mr. BUEL. There is a happy medium in which to load live stock. The cars ought to be snugly full. If the car is overcrowded, it means trouble, and if it is underloaded, in the starting and stopping of the train these cattle necessarily will go from one end of the car to the other, and it is more injurious to have them underloaded. They should be loaded just right.

Mr. ADAMSON. A medium between the evolutions of a football team and the packing in a sardine can?

Mr. BUEL. I am not much of a football player.

Mr. MANN. Neither is the gentleman who asked you the question; he only intended to be facetious.

Mr. TOWNSEND. When you unload the cattle under the twenty-eight-hour law, what proportion of the time are they unloaded at the yards where they can be fed and watered?

Mr. BUEL. During the five or six hours—they usually lay over that length of time at these unloading points. They are put in the yards, and that six hours, I may state, should include the time coming from the cars into the pens, the time they rest, and the time going back.

Mr. TOWNSEND. Do you always feed them there? You do not always reach those points in twenty-eight hours, do you?

Mr. BUEL. It is a physical impossibility to have a rate of speed per mile so that these trains can make their particular destination where they have facilities to care for the stock.

Mr. RICHARDSON. Your contention, as I understand it, and the reasons that you give for it are that it is better to keep them even thirty-six hours than twenty-eight hours under the conditions?

Mr. BUEL. I do. Now, in support of that, I have some letters from my people, and I am going to ask your indulgence, Mr. Chairman, to read these letters, because they are from men who are owners or receivers of live stock, and I think it is better—

Mr. MANN. I suggest, Mr. Buel, that you do not read very many.

The CHAIRMAN. You can put them in the record; we have not the time to give you to have them read.

Mr. BUEL. I would be glad to do that, but I am so afraid that the members would take it for granted that it is in line with what I have said, that they would not read them.

The CHAIRMAN. You can give them to the stenographer, and put them in the record if you desire it.

Mr. ADAMSON. You can make a brief statement of the substance of them.

Mr. RUSSELL. Have you ever observed cattle that have been thirty-six hours in running to Chicago?

Mr. BUEL. Oh, yes; forty hours.

Mr. RUSSELL. What is the difference in the condition of these cattle as compared with the twenty-eight-hour run and the thirty-six-hour run, from your own personal observation?

Mr. BUEL. If it is a continuous run there is no question but that you can not discern between twenty-eight hours or thirty-six or forty hours. That will be my answer to that question. If it is a continuous run, if they do not stop at all, there will be no difference.

Mr. RUSSELL. Have you observed cattle that have been unloaded and reloaded?

Mr. BUEL. Yes, sir.

Mr. RUSSELL. What is the difference between those cattle and those on a thirty-six-hour run?

Mr. BUEL. They invariably show that they have been confined somewhat longer than the other cattle, and necessarily they do not present the appearance that the cattle have that come through.

Mr. ADAMSON. When the cattle begin to lie down or fall down, and the entire carload are then unloaded, and those that have fallen down are put back into the car—

Mr. BUEL. Now, right on that point I would like to say that cattle when in motion do not fall down and stay down. It is when the car is side tracked, switched off for some other train to pass, when the car is still, that they lie down.

Mr. ADAMSON. After a certain number of hours they do give out and get down in the car.

Mr. BUEL. In a reasonable length of time. Of course I agree with you that if you keep these cattle in fifty or sixty hours—

Mr. ADAMSON. Don't they begin to get down before twenty-eight hours?

Mr. BUEL. No, sir.

Mr. ADAMSON. Before thirty-six hours?

Mr. BUEL. No, sir; they would not.

Gentlemen, I want to submit a letter that is signed by Emil H. Ingunsen, of Chicago, who is a member of the commission firm of Rosenbaum Brothers & Co. This man is one of large experience, having once served in the capacity of a cattle buyer, raised in the business, and his letter is worth reading. Following is the letter:

ROSENBAUM BROS. & Co. (INC.),
LIVE STOCK COMMISSION MERCHANTS.
Union Stock Yards, Chicago, Ill., January 17, 1906.

Mr. M. P. BUEL,
President Chicago Live Stock Exchange, City.

DEAR SIR: The so-called twenty-eight-hour law has been the cause of considerable loss to many of our patrons, and therefore it has been very much discussed, as well as given a great deal of thought, by the different members of our firm, and we are unable to find one redeeming feature in this law, passed, as I understand, through the earnest solicitation of the humane societies of the different States, who were, no doubt, sincere in their belief that they were acting for the cause of humanity. Therefore the question to be considered is this, viz, Is live stock handled en route to the different markets in accordance with the twenty-eight-hour law benefited?

To the unpractical, and to those who have never given the question the necessary thought, it would look as though it was; but I say "No," and my reasons are as follows:

First of all, taking cattle, every shipper of cattle, as well as every butcher, knows that it takes a great deal of patience and care to load cattle at the home station to prevent them from becoming more or less bruised by bumping their hips against car-door posts by going into the cars, and almost all owners of cattle will take all the necessary precaution when loading, and consequently they will get their cattle loaded nearly free from bruises. After these cattle have been in the cars twenty-eight hours they are unloaded and reloaded by men employed by the railroad company, who care little about the manner in which these cattle are loaded or unloaded, and the results are that from four to eight out of every carload will be somewhat bruised, and must necessarily suffer more or less on account of these bruises until slaughtered, and while the animal is suffering from these bruises he will certainly not eat or drink, no matter how good his opportunity is for procuring both.

In a great many cases, when being unloaded in accordance with the twenty-eight-hour law, stock will be unloaded at stations where, for the want of proper facilities, there is very little opportunity to give it any kind of comfort. With the exceptions of a few regular unloading or feed-and-water stations on

each road, the places where they are now being unloaded have poor facilities—very often muddy yards, and in many cases a scarcity of both feed and water. Hogs, in the hot months of summer, are afforded no shelter at the unloading stations, and are left to die in the hot sun.

Now, is it not more humane to allow this stock to remain in the cars, where it is comfortable, say, from thirty-six to forty hours, thereby allowing it to reach points where accommodations are such as to allow this stock to be cared for in a proper and humane manner, and by so doing save the shipper and owner of this stock from a loss of from \$10 to \$25 per car? The former amount meaning only one dead hog or a bruised steer or cow in a car, and the latter amount is undoubtedly oftener sustained than the former.

Furthermore, is not the owner, who has his capital invested in this stock, interested in the humane treatment of same more than anybody else? Would not inhumane treatment of it, and getting it to market in any but the best of shape, mean a loss in dollars and cents to him, and can it be disputed that stock arriving at its destination in the best marketable condition has been treated in the most humane manner?

I trust the Chicago Live Stock Exchange will be able to convince Congress that instead of the twenty-eight-hour law being a humane law, it is exactly the reverse, and that for the sake of live stock and humanity the twenty-eight-hour law will be repealed in the near future.

Yours, very respectfully,

EMIL H. JORGUNSEN.

I also have a letter from Clay, Robinson & Co., of Chicago, who are one of the largest commission firms in the West, and perhaps in this country, in which they give an illustration during the enforcement of this twenty-eight-hour clause of the law last summer, and show conclusively that by the frequent unloading of these cattle every twenty-eight hours the cattle arrived in Chicago in a bruised and damaged condition and sold for less than they would have if they had been in the ordinary condition; and, further, they state that if it is necessary they would be very glad to furnish sworn affidavits from the buyers who purchased them.

Mr. TOWNSEND. You have just stated, Mr. Buel—used the words, “during the time they enforced the law.”

Mr. BUEL. Yes, sir.

Mr. TOWNSEND. Are there times when they enforce the law, and other times when they do not?

Mr. BUEL. I would say, in answer to that, that during the year 1905, say, commencing about the middle of June, an order was issued by Secretary Wilson requiring their agents throughout the country to see that this law was enforced. Now, this law is an old law, passed, I understand, away back in 1873. It might have been a good law then, but we have outgrown that, gentlemen, and what we needed then we do not need now.

Mr. ESCH. We have some bills before us requiring an extension to thirty-three hours. That is too short for your purposes, is it?

Mr. BUEL. Yes, sir. Of course, individuals have as many different ideas perhaps as there are individuals; therefore, in conclusion, I would say to you gentlemen that it is our judgment that thirty-six hours is what we want, because many of us—but I will go on record as saying personally, from the experience I have had, that I believe the stock is not injured if permitted to remain in the cars forty hours. Hence I am one of the parties who believe in thirty-six hours. There may be thirty-three-hour men, but I am one—

Mr. SHERMAN. When you speak of the condition of the stock, you are speaking entirely of the commercial value of the stock for market, are you not? Not in reference to the probable physical suffering of the animal?

Mr. BUEL. I am referring more to the physical condition of the cattle than otherwise. I have been carrying in my thoughts both, but the letters that I am offering will confirm my position when I say to you that the physical condition of this stock will be better if permitted to remain in the cars thirty-six hours.

Mr. ADAMSON. Those letters are all from dealers, like you, not from men who have been in the habit of observing the operations of the cattle trains hauling cars across the continent.

Mr. BUEL. These letters are all from men who are handlers of live stock, owners and shippers of stock. My own firm last year shipped over 5,000 carloads. We know what we have to contend with, and when Secretary Wilson said that the cattle must be unloaded every twenty-eight hours, in several instances we had stock that we had to unload in about twenty-four or twenty-five hours, because they could not reach their destination in twenty-eight hours. Now, if the law had been thirty-six hours, the stock would have gone to the destination in thirty hours, hence we would have gotten the stock in better condition with less bruising than was the case when we had to take them out at the end of twenty-four hours and reload them.

Mr. BURKE. Do I understand that up to June last the law was inoperative so far as the twenty-eight-hour clause was concerned?

Mr. BUEL. Practically so. I think a feeble attempt was made in 1898, and our association at that time undertook to do something in the matter.

Mr. BURKE. How long had it been inoperative prior to June, 1905—not observed?

Mr. BUEL. Practically always.

Mr. BURKE. What has been the custom and practice of shippers in unloading their cattle; how long have they been allowed, as a rule, to remain on the cars?

Mr. BUEL. As a rule, from thirty to thirty-five and thirty-eight hours, or something of that kind, depending largely on the condition of the cattle.

The owner of the stock, gentlemen, is the one who suffers if he neglects to properly care for his stock while going to the market. He is a good judge necessarily, because his dollars and cents are behind the proposition, and it is not to his interest to confine his stock in cars to that extent that they become bruised and damaged.

Mr. ESCH. You say that under the enforcement of the twenty-eight-hour law it would compel the railroad companies to disembark the stock at stations where there were not ample facilities and where the yards and pens were exposed to inclement weather and so on. The railroad company charges the shipper or consignor for the water and feed during the hours of embarkation?

Mr. BUEL. Yes, sir; there is a charge made for that.

Mr. ESCH. Now, then, if the parties are reimbursed, why should they not have proper facilities at these stations?

Mr. BUEL. They will, and they do, so far as it is possible.

Mr. ESCH. Has your organization made any effort to compel the railroad companies to do that?

Mr. BUEL. Let me show you. You take the scope of country west of Chicago, of 3,000 miles in the various directions, and here is a man at a station who has a lot of cattle to-day. You go 25 miles from

him and another man has a load of cattle. Then say 100 miles farther there is another man with some cattle. Some of those cattle must be taken up quicker than the others. If you have to feed them every twenty-eight hours, you can see that it would mean to the railroad company a feed yard and facilities at least every 100 miles. Now, they do not do that.

Mr. ESCH. You ship by trains, do you not, as a rule?

Mr. BUEL. I think they always ship by the train load, the western shipments. But you take the local business of a great State like Illinois, Indiana, Ohio, Michigan, Iowa, Kansas, Nebraska, or Missouri, the business there is a local business, and it is the bulk of this entire industry. The cattle, hogs, and sheep are there matured for food purposes, and those people load these stock in small consignments, two or three carloads at a time, and the railroad companies necessarily have to take them up from station to station.

Mr. BURKE. Under ordinary conditions would it require longer than twenty-eight hours to reach the market from the States named?

Mr. BUEL. In some places; yes, sir. I have one letter on that subject from a shipper in Kansas which is a very good one on that particular point, a man by the name of Fred Beeler, and I would call the especial attention of this committee to this letter, because Mr. Beeler is a pioneer in Kansas, and he states in his letter that in January of this year he was compelled to unload his stock in twenty-eight hours, and if he had been permitted to keep them on thirty-six hours he would have reached his destination, which was Chicago. The result was that he was six hours later and got there in about forty or forty-two hours. Now, this man has told me personally—and this letter is dated February 12, after I learned that I was to come here—that his experience is that he has more trouble with his cattle in unloading and reloading than he would if he ran them through, and his letter here so states.

Mr. RICHARDSON. You admit that they have disregarded the twenty-eight-hour law?

Mr. BUEL. Did not disregard the law.

Mr. RICHARDSON. You did not comply with it—disregarded it?

Mr. BUEL. In a sense, yes; but we let stock out in the yards at certain intervals.

Mr. RICHARDSON. What was the penalty for violating the law?

Mr. BUEL. I think the penalty is on the railroad company, not on the shipper.

Mr. RICHARDSON. What assurance have we that if we enact a thirty-six-hour law that it will be enforced?

Mr. BUEL. The shipper of live stock knows the importance of unloading these cattle when they need rest, and it will be to his interest necessarily to unload them. I have a letter from Doud & Keefer, of Chicago, who are the largest buyers of cattle that I know of in our markets, and their letter states that they ship from 150 to 200 cars of cattle a week the year round, exporting them and carrying them to the eastern cities; and in this letter they make it very clear that when they are only required to unload these cattle but once between Chicago and New York or Boston, that their cattle arrive in better condition than they did last summer when they were supposed to unload twice.

Mr. TOWNSEND. I suppose that you think that you could trust the shipper to look after this matter himself?

Mr. BUEL. Why not, he is the man——

Mr. TOWNSEND. Just wait a moment. Now, you also admit that you have adopted thirty-six hours as a compromise, and that you would have some other time if you had your way about it?

Mr. BUEL. I would.

Mr. TOWNSEND. Some other gentlemen want thirty-three hours, some want thirty-six hours, some want forty hours, and I believe some want still more.

Mr. BUEL. I do not know of a single shipper that believes in the twenty-eight-hour law.

Mr. ADAMSON. Before you trusted the owner absolutely, would you not like to have him make some trips in a car standing up and see what his physical condition would be?

Mr. BUEL. I think he would be much better off than the man who goes upon the operating table to have a surgical operation performed, and has to go under a strict diet for two or three days before that.

Mr. ADAMSON. That is poor analogy when you are talking about something to eat.

Mr. BUEL. I want to say to you that the wise shipper of live stock, the man of experience, does not load his cattle and let them fill themselves on hay and water, not by any means.

Mr. ADAMSON. He gives them the luxury of starving as well as the lack of proper attention in travel.

Mr. BUEL. Now those are the facts.

Mr. MANN. You can see that my friend is not biased.

Mr. BUEL. Those are the facts in the proposition, and they are worth considering. If cattle are put in a car, and that car is full of hay and water, it will put the car in a bad sanitary condition; it will be so wet that the least movement of the train will throw the cattle down.

The CHAIRMAN. You have said that the shipper, the man who is with his stock, knows best what is good for those cattle. Now, take the case of a man who has large domestic, well-fed cattle, cattle that he has been trying to give as much rest to for the last six months as possible, and they have had just as little exercise as possible in order that they would put on fat. He can load and unload his cattle without difficulty and without danger of bruising them, they are not wild; and he would want frequent opportunity, would he not, to rest those cattle? And under the law as it is to-day he can compel the railroad company to unload them for him every twenty-eight hours. Now, if you are to extend the time he would not have the same control over the exercise of his judgment that he has now under the law, and you are striving to take away from him the power of determining for himself how he will treat his cattle.

Mr. BUEL. Mr. Chairman, I do not understand that it is the intention of anyone to have you frame a law that would deny me or any other shipper the right to say to the railroad company, "Unload my stock now; they are getting in bad condition."

The CHAIRMAN. Then you do not want a uniform thirty-six-hour law?

Mr. BUEL. We don't want to say to you to make a law that the shipper should have no control over his stock; that they must remain thirty-six hours in the cars whether they are in good condition or otherwise.

Mr. STEPHENS, of Texas. If the committee will just permit me, I would like to say that the bill provides that upon written request of the owner or the shipper that they may remain upon the cars not to exceed thirty-six hours.

Mr. BURKE. The cattle that go a long distance are mostly range cattle, are they not?

Mr. BUEL. Yes, sir.

Mr. BURKE. And they can stand longer in the cars without being unloaded than fed cattle?

Mr. BUEL. You take what you term range cattle; they roam over a large area which gives them muscle that the stock in our local country do not have, and consequently they would have more endurance than the fed stock would have.

Mr. ESCH. In your opinion would it be wise for us to make a geographical application of the law so as to take in the territory, say, west of the Missouri?

Mr. BUEL. No, sir; I would not advocate that, because I think the more simple and the more plain the law is the more readily it will be understood by the railway people and their employees along the line. During the enforcement of the law last summer railroad representatives got very much mixed up, and I can tell you of instances where stock was taken off the cars that had not been on them to exceed ten or twelve hours because of a certain amount of irregularity that seemed to have crept into the order given them either by the Department or by the railroad people.

Mr. ADAMSON. Don't you think that the best solution of this matter for the country—I being unbiased, and the gentleman from Illinois being unbiased, as I admit—that we reduce this to twenty hours and encourage the building up of slaughterhouses and packing houses in the distant parts of the country where the cattle are raised and let it be shipped as meat?

Mr. BUEL. There is a reasonable time for the keeping of live stock off of food and water and keeping it within the confinement necessary in the shipment, but this unusual unloading, as you suggest, of every twenty hours, will not result in building up markets.

Mr. BURKE. Is it true or not true that fat cattle, extra fat cattle for export, are shipped so that they may lie down in the car?

Mr. BUEL. I don't know that these cattle can all lie down at one time, and I do not think that would be a good condition, but a portion of the cattle can lie down and the balance stand up.

Mr. BURKE. About one-half of them?

Mr. BUEL. From one-third to a half; yes, sir.

I have nothing more, but I would like to add these letters.

The CHAIRMAN. We will ask you to hand those letters to the stenographer; they will show for themselves.

Mr. MANN. They will be printed in the record, Mr. Buel.

The following are the letters introduced by Mr. Buel:

DOUD & KEEFER, COMMISSION MERCHANTS.

Chicago, January 17, 1906.

Mr. M. P. BUEL.

President Chicago Live Stock Exchange, City.

DEAR SIR: Regarding the twenty-eight-hour law, as shippers of cattle, probably shipping more cattle than any one individual or firm in the country, and having had experience for the past forty years, we are probably in closer touch with this proposition than any other shipper.

We have always found that after cattle are loaded properly—that is, by giving them plenty of room to rest themselves should they so desire—that they can ride for thirty-six to forty hours without any damage to the animal or suffering, and where water troughs are in the car, so they can be watered, they can ride indefinitely without any suffering.

We ship from 150 to 200 cars of cattle a week the year around from here to the seaboard and do not believe the percentage of loss has been one-tenth of 1 per cent in the last ten years.

Most of the cattle that we ship east are unloaded once between here and the seaboard.

The total time consumed for the trip is from sixty to eighty hours, all depending upon destination, cattle always arriving in very good condition.

At times, when time is short, we have sent shipments through without being unloaded, and cattle have always arrived in good shape and have not shown that they have suffered any by not being unloaded en route.

We believe in humanitarianism as well as anyone else, and do not know of anyone who would want to be inhumane to their own property, and if they thought cattle were suffering by being kept in cars too long would without doubt have them unloaded more often, for if cattle did suffer en route it would be the owner's loss.

We believe there is more damage done in unloading and loading cattle than while cattle are in cars; as in driving them out of the car and through the gates to the pens there is more or less chance of bruising the cattle than if they were standing in the car, and the more often they are unloaded the more damage is done.

This is especially true of western range cattle. They are not as domesticated as our native cattle, and when started they make a rush, and the whole load tries to get through the gate or the door of the car, as the case may be, at the same time.

If the twenty-eight-hour law was enforced, cattle coming from Montana would have to be unloaded probably four or five times, and when killed in Chicago would be one mass of bruises.

As it is now, the meat is none too free from bruises and broken bones caused by being unloaded once or twice.

We heartily recommend that the time that stock can be kept in cars without unloading be extended from twenty-eight to thirty-six hours.

Very truly, yours,

DOUD & KEEFER.

FIRST NATIONAL BANK OF JEWELL CITY,

Jewell City, Kans., February 12, 1906.

Mr. M. P. BUEL.

President Chicago Live Stock Exchange, Chicago, Ill.

DEAR SIR: I understand you are to be a representative at the final hearing before the Congressional committee that is to be held in Washington, under date of February 20, for the purpose of annulling or adjusting the twenty-eight-hour law in the shipment of cattle.

During the enforcement of the twenty-eight-hour law in 1905 and so far in 1906 I have had some sad experience in shipping my cattle to the market. I thought I might advance some idea that would be of use in getting this twenty-eight-hour law annulled, as I think the owners and shippers of good cattle know best how to handle them.

In the first place the distance is such that it takes from thirty-four to thirty-six hours to make the run from here to Chicago, and when I am compelled to unload it takes from forty to forty-two hours in transit.

When I shipped my cattle the 22d of last January they were unloaded in a miserable, poorly kept yard, with the mud from 3 to 6 inches deep, and it raining and sleeting. The labor of loading and unloading was done by three inexperienced men, who punched and pounded the cattle around, consuming four hours and thirty-five minutes out of our six hours' stop. This was my experience in my last shipment, and I have had similar experiences at other times in the past years during the enforcement of the twenty-eight-hour law. In my judgment, it is more inhuman unloading the cattle, as I was compelled to do, than if I had been permitted to keep them on the train, reaching their destination six hours earlier.

It is my judgment that should there be a time limit set it ought not to be less than thirty-six to forty hours. I believe this would be more human than the twenty-eight-hour law.

Hoping that it may be rightfully adjusted, I am,

Very truly, yours,

FRED. BEELER.

CLAY, ROBINSON & Co.,
Chicago, January 17, 1906.

Mr. BUEL,

President Live Stock Exchange, Chicago.

DEAR SIR: This is to certify that we have had during the past season several shipments of Montana range cattle that were so badly bruised on account of being loaded and unloaded between the point of shipping and Chicago in order to comply with the twenty-eight-hour law which is now in force, that they were damaged anywhere from \$5 to \$6 per head. At the beginning of the season we had about 700 cattle shipped by the Bloom Cattle Company, of Malta, Mont., most of which sold to Armour and Swift. We have a written statement from the head buyers of both of these houses, saying that these cattle were the worst bruised lot of cattle they ever bought on the Chicago market.

We are strongly in favor of an extension of the twenty-eight-hour limit, so the stock can be kept in the cars forty hours or longer if they are in good condition and are shipping well.

As you are aware, where cattle are unloaded they bruise their hips, and this injures their sale, and it would be far more humane to allow them to be kept in the cars than it would be to have them unloaded at the end of every twenty-eight hours in order to comply with the law as it stands to-day.

We have had shipments of cattle unloaded at points between here and Omaha, where they stood in the muddy lots and a terrific rain storm from five to six hours and could not lie down to rest on account of the depth of the mud and the condition of the weather. We know of one lot in particular that arrived in such bad condition on account of an experience of this kind that it affected their selling value 25 cents per hundredweight, which took off anywhere from \$3 to \$4 per head. This not only made a serious loss to the owner, but very bad treatment for the cattle.

We are willing to give a sworn statement concerning the above facts if you desire same.

Yours, truly,

CLAY, ROBINSON & Co.

SWIFT & Co.,
Chicago, January 17, 1906.

Mr. P. BUEL, Esq.,

President Live Stock Exchange, Union Stock Yards, Chicago, Ill.

DEAR SIR: The so-called twenty-eight-hour law, regulating shipments of live stock in transit, has, after a thorough trial, proven a failure from a humanitarian standpoint.

Under present conditions it is often impossible within the twenty-eight-hour limit for shipments to reach suitable points for unloading, resting, and feeding, when, by the addition of a few hours to the time limit, the shipper could secure proper accommodations or reach a market.

A certain amount of bruising and other damage is an inevitable incident to the loading and unloading of stock, whereas, if properly loaded, a few hours more or less added to the run will make no difference to condition of the stock on arrival.

The arbitrary application of the rule often compels owners and shippers to subject the stock to treatment which they regard as cruel, and, of course, ill treatment results in damage and market losses.

Aside from the question whether live stock in transit could not be more properly left to the owner, whose every interest prompts him to secure the best possible treatment for his property, we think the situation has been pretty thoroughly canvassed, and that most of the factors in the industry—shippers, commission men, and packers—agree that the extension of the limit to thirty-six hours would enable shippers to reach feeding points and markets in better condition than under the present ruling and without subjecting stock to any greater danger of suffering through neglect. We therefore favor the extension.

As an instance, the first few bunches of western cattle we bought during the past season were very badly bruised on the outside of the hips and on the inside of the hips under the kidneys and on the plates, caused by frequent unloading between shipping points. We entered a complaint with the commission men from whom we bought these cattle, stating that in our opinion the bruises were caused at unloading points. The commission men were able to correct the evil to some extent by arranging for less frequent unloading, with the result that for the balance of the season this class of cattle arrived in Chicago much less bruised and in better condition.

Yours, truly,

EDWARD F. SWIFT.

SCHWARZSCHILD & SULZBERGER Co.,
Chicago, January 19, 1906.

Mr. C. W. BAKER,
Secretary, Live Stock Exchange Building.

DEAR SIR: In regard to the existing law which provides that all live stock must be unloaded after twenty-eight hours in cars, desire to state briefly our views and experience.

As shippers of cattle from Chicago and Kansas City to New York for many years past, we have found that such shipments arrive at destination in better condition the less frequently they are handled. To unload and reload a train of cattle invariably bruises them to some extent. They will crowd more or less in entering and leaving the cars, the consequent damage being quite evident when the bullock is dressed.

This condition is the result of close observation on our part, and we firmly believe that stock would be handled to better advantage and arrive at the markets in better condition by amending the twenty-eight-hour law to read thirty-six or even forty hours. This entirely from humane standpoint.

To this end we invite your earnest cooperation in presenting this matter to the proper legislative body.

Yours, very truly,

SCHWARZSCHILD & SULZBERGER Co.
Per S. GRABENHEIMER.

SHANNON BROS. & Co.,
Union Stock Yards, Chicago, Ill., January 19, 1906.

Mr. M. P. BUEL,
President Chicago Live Stock Exchange, Chicago, Ill.

DEAR SIR: I wish to call your attention again to the general bad effect on all classes of stock by the enforcement of the twenty-eight-hour law.

As at present construed, the railway companies are obliged to unload all stock after being in the cars twenty-eight hours. In many cases, in fact in the majority of cases, the arbitrary enforcement of this rule works to the injury of stock rather than to its benefit. As trains are handled, it frequently happens that stock is within a few hours' run of destination when the twenty-eight-hour limit is about up and at a part of the road where there are no yards having the proper facilities for the unloading and feeding of the stock.

The methods now generally adopted by shippers permit of stock being carried through from point of loading to destination without unloading.

Hogs, cattle, and sheep are now carefully loaded, having due regard to the distance and time in transit. On long hauls feed is put in the cars when loaded, and bedding in sufficient quantity to make the stock comfortable on the journey.

Hogs are always watered as often as necessary, and stock treated in this manner quiets down soon after being loaded, and, if allowed to go through, arrive at their destination in much better condition than if they were to be unloaded en route. To unload hogs in a hot, burning sun is absolute cruelty; in fact, the quieter they can be kept the better they are. This applies to all classes of hogs, but more especially to fat, heavy hogs, which are almost always bruised and crippled by too much handling, and frequently die as a result of overheating, beating, etc.

I also agree with shippers of cattle in their objection to this law for many reasons that have become apparent from the enforcement of the law. Experience has shown that cattle can be carried a long distance without suffering when properly loaded, and arrive at the end of the journey in good condition. Frequent unloading and reloading means crippled cattle and bruised beef and various other serious losses and suffering.

It is beyond question that it is always to the advantage of the owner to have his stock arrive at market in the best possible condition, and in order to do this experience has proved that the adoption of the most careful and humane methods consist in carefully loading the stock and not unloading or unnecessarily disturbing it on the journey.

From my own observation, and all I can see and learn on the subject, I believe all interests will be best served by having the matter so adjusted as to eliminate the arbitrary features of the present law and to give shippers the benefit of a longer haul.

I therefore beg to call your attention to these facts, and hope you may succeed in having matters adjusted to the best interests of all concerned.

I remain, very truly, yours,

SHANNON BROS. & Co.
Per O. J. SHANNON.

BRIDGEWATER, S. DAK., *February 14, 1906.*

NATIONAL LIVE STOCK COMMISSION COMPANY,
Chicago, Ill.:

Replying to yours of the 12th, I will say that the twenty-eight-hour law is an outrage to the western shipper, as we are compelled to unload at a one-horse station, where there is not any convenience at all. I have had to unload when I have had to drive my stock out of the yard to let some one else in to water. One week ago my stock was unloaded at Mason City Sunday morning at 6.30 o'clock and laid there until 7.30 Monday morning waiting for a train, and charged \$6 a car for hay; and every time you unload and reload it means so much more shrink for the shipper. I say give us time to get our stock to market, if it takes forty hours, and save them from being pounded around the yards by a lot of unmerciful yardmen, who try to see how cruel they can be. We ought to be able to get our stock in thirty-six hours. Hoping that the Government will do something for us in the near future, I remain,

J. H. STANLEY.

STATEMENT OF ALBERT H. HARRIS, GENERAL ATTORNEY FOR THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

Mr. HARRIS. Mr. Chairman, I am not going to give evidence, but I want to make a statement, and to say that Mr. Van Etten will follow it up by a statement of facts.

The CHAIRMAN. We have just refused to hear a gentleman who did not wish to be sworn.

Mr. HARRIS. I will be sworn.

(Mr. Harris was thereupon sworn by the chairman.)

The CHAIRMAN. Please give your name.

Mr. HARRIS. Albert H. Harris, general attorney for the New York Central and Hudson River Railroad.

Gentlemen have heard from the shippers, who are interested in this question so far as it affects the shipment of cattle from the parts of the country to the west of Chicago. The discussion has been quite full and has been extremely interesting so far.

There is another side or another phase of the question which I wish to call to your attention very briefly, and that is that phase which relates to the carriage of cattle from the carrier's standpoint, and more particularly with reference to the carriage of cattle between Chicago and the seaboard.

Mr. VAN ETTEN, the vice-president of the New York Central Railroad, who for many years has been conversant with this phase of the question, is here, and I wish to ask the privilege of his making a statement to the committee, more particularly with reference to two points, and that is, showing how the natural division of the railroad lines east of Chicago will feel any limitations. The run from Chicago to Boston is a run of 540 miles to Buffalo and 500 miles to Boston. The trains are run to a large extent—east of Buffalo at any rate—upon the passenger tracks, but it is not a possible thing, generally speaking, to make the run either to Buffalo or to Boston in twenty-eight hours. It can be done at times, but it can not be kept up. It can, I believe, as a rule, under proper regulations, be made inside of thirty-six hours with reasonable certainty.

For the 540 miles from Chicago to Buffalo, if made in twenty-eight hours, the average rate of speed would be 18 miles an hour, between 15 and 18, whatever it may be—it can be easily told by a division. To comply with the twenty-eight-hour law the shipment must be broken at Cleveland, at Buffalo, and at Albany, making three unloads as against one upon the thirty-six hour basis.

Then Mr. Van Etten will have something to say to you, and he can say it much better than I, with reference to the limitation as to the speed. I see that some of the amendments which are before the committee provide for a limitation, a minimum of speed for the running of trains. It is with reference to those two points, Mr. Chairman, that I would like to have Mr. Van Etten make his statement to the committee. Mr. Van Etten, will you please come forward?

**STATEMENT OF EDGAR VAN ETTEN, VICE-PRESIDENT OF THE
NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COM-
PANY.**

Mr. VAN ETTEN was sworn by the chairman.

The CHAIRMAN. Please state your name.

Mr. VAN ETTEN. Edgar Van Etten.

The CHAIRMAN. Where do you reside?

Mr. VAN ETTEN. Boston, Mass.

The CHAIRMAN. What is your occupation?

Mr. VAN ETTEN. Vice-president of the New York Central Railroad, in charge of the Boston and Albany Railway.

The CHAIRMAN. You may proceed.

Mr. VAN ETTEN. After hearing some of the testimony which has been given before the committee, I want to assure them of one thing first, and that is that the railroad man when he comes to his office in

morning does not sit down and see how he can be inhuman. He has some of the finer feelings of human nature the same as the rest of the world have. He is not a sentimentalist, but he wants to do his business in such a way as will bring to him and to his road the greatest amount of business; and in doing that he must satisfy everybody, if possible. That I find to be an impossibility. Personally, even at the risk of being charged as belonging to a beef trust, I would desire that stock should be shipped alive, if possible. Whether that is a possibility or not I am not prepared to say. It seems, however, that railroad men to-day are, to put it in a homely way, in something of a hole.

I have listened to talk about rate regulations, which make us common carriers at certain rates; and I am also listening to a charge that must make time with cattle, must unload them when they desire it, must do a whole lot of things. Unfortunately, east of Chicago, east of the density of our traffic is such that we have some few other things to think of than stock. Take it in the number of cars, the number of cars handled last year over the Boston and Albany, with which I am more familiar than I am with the rest of the road, in round figures a million cars, of which about 20,000 were loaded with stock, or 2 per cent. We therefore find that it is impossible to give stock 2 per cent 90 per cent of our attention. If we did we would multiply inconvenience and incommode the other 90 per cent.

To address myself, however, to the subject: In shipping stock from Chicago to Boston the natural division for unloading seems to be at Buffalo, which is 540 miles from Chicago and 500 miles from Boston, that is, because of the fact that that is a real terminal. It is a terminal for the cattle; large numbers of them are sold there and distributed over other roads than that which they are brought over, and to that extent Buffalo naturally is the dividing line so far as the stock is concerned, as between Chicago and Boston.

Eighteen miles an hour with a freight train between Chicago and Buffalo is simply an impossibility, owing to the density of traffic, the large number of passenger trains which must of course take precedence. It is also impossible to clear the road of the other freight, which is just as important in the handling as the stock, and we get just as many complaints if it is not handled in the same way. As a whole, it seems to me, and I think it will appeal to the committee, that if we can reasonably get stock to Buffalo without its being unloaded it would be a very good thing to do.

Now, as I say, it is almost impossible, in fact it is practically impossible, to do that in twenty-eight hours. It can be done in a reasonable way in thirty-six hours. Take it on the other hand from Buffalo to Boston or to New York. Owing to the density of traffic on the New York Central Railroad it is almost impossible to make 18 miles an hour with a freight train—I mean an average of 18 miles an hour. In order to make that, you must run 40 miles an hour half of the time. All of the cattle trains—those that contain stock—are handled what we call passenger tracks. We have two tracks for the passenger traffic and two for freight. They are handled on passenger tracks because of the fact that there are fewer passenger trains than there are freight trains. Consequently the tracks can be cleared bet-

But we have a very large number of passenger trains, a very large number, and the stock trains, of course, can not make passen-

ger train's time. It is not safe to do it. The cars are not built for that speed. Consequently they have to be shunted to the freight tracks, and it is simply impossible to make an average speed of 18 miles an hour between those points.

Now, you take the road from Albany to Boston, 200 miles. We have two mountain ranges to climb over, a grade of 90 feet for several miles, a grade of 50 to 70 feet for a number of miles, down and up. I assume you gentlemen will believe me when I say it is more dangerous to run fast down hill than it is to run fast up hill. Consequently we have to make a slower speed down hill than we do up hill, and it is simply impossible for us to make an average of 16 miles an hour, owing to the density of traffic that we have. Our passenger business on the Boston and Albany is 48 to 50 per cent of its total earnings, and the passenger traffic must of necessity take precedence, and unless we can get a stock train out of Albany at a certain time it is simply impossible for us to get it to Boston inside of twenty hours. If we get it out in time and have good luck with it, we can get it there in twelve to fifteen hours.

Mr. GAINES. It is to your interest to make the best time possible.

Mr. VAN ETEN. It is safer; yes, sir.

Mr. ESCH. How much time is there consumed at terminals?

Mr. VAN ETEN. At Albany, or both?

Mr. ESCH. Yes.

Mr. VAN ETEN. At Buffalo the stock is all unloaded anyhow. There is no stock, unless it may be horses, but I think there is no stock that is not unloaded at Buffalo, which is because of the fact that it is a division terminal, or a very important point between terminal points; and second, because of the fact that it is a large market and a great deal of stock is sold there. A great deal is consigned to Buffalo.

Mr. MANN. How much time is consumed at the terminal at Boston, getting into the terminal in order to unload?

Mr. VAN ETEN. That depends on where the stock is going. If it is going to be exported it will take anywhere from two to four hours to get to the vessel. It is simply a yard from where the Beacon Park Terminal is, until we get to the wharf, practically 13 miles of yard and nothing else.

Mr. BURKE. How long have you been in your present position?

Mr. VAN ETEN. As vice-president of the New York Central six years, I think, sir.

Mr. BURKE. During that time has the twenty-eight-hour law been observed?

Mr. VAN ETEN. Yes, sir; to our sorrow.

Mr. BURKE. At all times?

Mr. VAN ETEN. No, sir.

Mr. BURKE. Since when?

Mr. VAN ETEN. I should say about a year or a year and a half or two years; I am not exactly positive as to that.

Mr. TOWNSEND. Do I understand, Mr. Van Etten, that you should give the same consideration to other freight that you do to live stock?

Mr. VAN ETEN. I suppose we do, in so far as its movement is concerned. We can not sidetrack the freight trains for the purpose of getting stock over the road. There are times in New England—I saw it a year or two ago—when we gave absolute preference to coal

over everything—passenger traffic and everything else. That was two years ago. So we can not be bound by laws; commercial laws must govern us to a large extent. We can not be bound, and if we are, you can see that we must give stock, coal, or anything else preference at times.

Mr. GAINES. Considering business from a humanitarian standpoint, would you say that it is quite as important to have fuel to keep the factories going and to enable people to eat meat, as it is to move the meat?

Mr. VAN ETTEN. No, sir; it is absolutely necessary that we should have coal to run our trains with.

Mr. GAINES. And fuel for the factories, that they may be able to get work, and to get meat, to purchase beef.

Mr. VAN ETTEN. Understand me, from a humanitarian standpoint, I am neither a sentimentalist nor a brute. I believe there is a happy medium between the two. I have seen men who were brutes—lots of them. My wife is of that nature that she cries every time she passes a stock train. It is unfortunate that that is so, but those are the two extremes. I claim to belong to neither. If I had my personal way I would never handle a car of live stock. That is my personal feeling. And if you gentlemen will simply say that we shall not take a car of live stock I will hold up both hands. But so long as you make us common carriers, so long as we must carry the stock, and so long as we must carry such freight as comes to us, and carry it in a reasonable way, please do not hamper us so that we can not live up to the law.

Mr. BURKE. From what standpoint do you mean that statement—the business point of view or the humanitarian point of view?

Mr. VAN ETTEN. What statement?

Mr. BURKE. If you could have your way, you say you would not handle a single car of stock.

Mr. VAN ETTEN. Because I am so built that I would prefer not to see it.

Mr. ADAMSON. You would rather carry the dressed beef.

Mr. VAN ETTEN. That is my idea; not as a business proposition, but because I am something of a sentimentalist, if I may say so, to that extent.

Mr. SHERMAN. You see it from a humanitarian point of view.

Mr. VAN ETTEN. If you put it that way.

Mr. RYAN. Do you think it would be more injurious to have this law increase the time to thirty-six hours?

Mr. VAN ETTEN. No, sir; I think it would be less injurious, if you will let us handle them in a reasonable way.

Mr. ADAMSON. As a consumer of beef, don't you think you would rather eat it without its traveling?

Mr. VAN ETTEN. Well, I will say that generally I would prefer to eat it after it has been killed twenty-four hours, but there are other times when I might prefer not to wait so long.

Mr. ESCH. There is a difference in the rate in carrying the dressed product and carrying it on the hoof.

Mr. VAN ETTEN. I assume that there is, but I am not familiar with the rate question.

There is just one other thing that I want to say, and that is this: Gentlemen insist that we should make much faster time with our stock

trains. I am not a stockman, and I do not belong to the humane society, although I have had a good deal to do with them because they are located in Albany; but for Heaven's sake let us handle this stock in a reasonable way. Gentlemen, if you could see the train loads of stock handled at 40 miles an hour you would agree with me that it is not the thing to do from a humanitarian standpoint. Those trains ought to be handled at a less rate of speed.

If you gentlemen will ride on a freight train, which is not a Pullman train by any means, at 15 miles an hour, and then ride on one at 30 miles an hour, you can get the best illustration of what I mean. Fix a limit that we can handle this stock at a reasonable rate of speed, and at the same time insist that the shipper shall not have everything to say about when it shall be unloaded and when it shall not be unloaded.

Now, I have told you that our stock transactions are only about 2 per cent of our total. It is not a possible thing that we should build a stock yard at every station. If you give us a reasonable time in which to handle these cattle, say, from Buffalo to Boston, with which I am more familiar, and it is an entirely different proposition from what it is west of Chicago, absolutely different—we have a density of traffic that is simply immense, and the stock can not take precedence over everything. You gentlemen would have me in jail in twenty-four hours if we allowed it, because a reasonable rate of speed gives us a reasonable time in which to handle stock, and I give you my word we will live up to it.

Just one other thing. I have tried to show you in my poor way that I believe stock can be run too fast from a humanitarian standpoint. They get down, they get injured, they get bruised, and stock is not like the human being, and dogs are not like cattle. There is a difference in everything. If your dog is sick you tie him up and do not feed him anything and he gets well. Cattle can not be handled in that way, and neither can the human being be handled in that way. Don't unload the stock any oftener than you can possibly help, because that bruises them as much as anything that is done—fast riding and unloading.

AFTERNOON SESSION.

The hearing was resumed at 2 o'clock before the subcommittee appointed for that purpose, Hon. James R. Mann, chairman.

STATEMENT OF MR. E. K. WHITEHEAD, SECRETARY OF THE COLORADO STATE BOARD OF CHILD AND ANIMAL PROTECTION, DENVER, COLO.

Mr. Whitehead was sworn by the chairman.

Mr. WHITEHEAD. I will condense this statement as much as possible, and I think it can be done, because I think we agree with the stockmen representing the range cattle business west of the Missouri River upon most of the essential points.

We have given a great deal of attention to this question of the extension of the time limit for cattle in transportation. When the matter has been up at previous sessions of Congress we have uni-

formly opposed it, and we did so conscientiously, as a matter of right and wrong, just as we do now.

Last summer the secretary of the American Live Stock Growers' Association and the secretaries of one or two of the cattle growers' associations asked for a conference between a committee from our board and the stockmen. Their contention was that we were wrong about it. We said we would be entirely willing to have such a conference, because if we were wrong we wanted to know it; we wanted to do the fair thing. I make this statement now in order that you may know what has been done.

We had two conferences between the representatives of the stockmen who desired this change, and subsequently at a meeting we had with the representatives of the live-stock men this matter was all thrashed out.

They claimed that in some cases, perhaps in many cases, an extension of a few hours in the time from place of shipment to ultimate destination could be made without great hardship to the stock. The fact of unloading and reloading we all agreed upon that. I think they all agreed at that time that the probable cause of needing the additional time was the fault of the railroads to make a reasonable speed. So far we agreed. But when it came to the remedy, why there we began to disagree. We said if the railroads are to blame the remedy should be applied where the cause exists. They said the remedy was to extend the time from twenty-eight to thirty-six hours. That we objected to on the ground of cruelty to the stock. They said it was less of a hardship to the stock to stay on the cars the additional number of hours than it was to be unloaded and reloaded under the conditions which now prevail. I think that is probably true to some extent. We said in answering, that the hardships of unloading and reloading as they exist could be offset to a considerable degree by additional care and a little more pains taken by the men in unloading and reloading, and by compelling the railroads to provide proper facilities for the accommodation of stock when it is unloaded.

At both of the conferences that statement was admitted by the various representatives. I am unable to say whom now, except I recall that one was the president of the Cattle and Horse Growers' Association. He said it was impossible to compel the railroads to do these things; that if we could point some way by which the railroads could be compelled to do those things they would be glad to accept it, but they knew of no way in which it could be done. Then we said if that was true—if the railroads could not be compelled by the stockmen to handle shipments properly under the twenty-eight hour law, they would not do any better under thirty-six hours, and then they said if we would only get out of the way and agree to the thirty-six hours they would see to the railroads. Where the consistency of that statement is I am unable to say.

Now in loading and reloading live stock on the plains west of the Missouri River, it is a very different matter from unloading and reloading and handling cattle in the East. I do not pretend to know very much in regard to handling stock east of the Missouri River, and I am not a stockman; I leave those matters to these gentlemen who have looked into them very thoroughly. Upon the board we have three stockmen who have been in the business thirty or forty years.

They were a unit in opposition to extending the twenty-eight hours to thirty-six hours, on the ground that it was long enough.

The CHAIRMAN. Who are those stockmen?

Mr. WHITEHEAD. Charles Lerchen, Frank S. Byers, and Charles A. Smith, all of Denver. These gentlemen were all upon the first committee appointed to confer with the stockmen upon this question. Mr. Smith was not present, being out of town. Their position from the start was the same as the one which we finally reached—that the remedy for this state of things lay with the railroads and not in extending the time limit, which would be to the injury of the stock.

In the West we have a totally different state of conditions from what it is east of the Missouri River in a great many respects, and if this law is amended it would be amended to cover the whole country. It could not be amended for one section; it must cover the whole country. The thin, skeleton cattle are shipped from the various States and Territories as well as the fat cattle which are sent to market, as everybody knows in the West, and those are shipped by the hundreds and thousands every year from New Mexico, the Panhandle, and Arizona up to Colorado, Wyoming, Idaho, Montana, the Dakotas, western Nebraska, and western Kansas, and representatives of the stockmen themselves. The president of the Prairie Land and Cattle Company states that many of that kind of cattle ought not to be kept on the cars more than twenty-eight hours. He made that statement at the first meeting we had.

I notice that some statements have been made by people who propose to speak for stockmen which ought to be controverted. I have here a pamphlet purporting to be issued by Mr. Mortimer Levering, who is described as having been president of some humane society. They omitted to put on the pamphlet that Mr. Levering is also connected with the stock association. I think he was secretary last year, and may be still of the National Shippers' and Growers' Association, and a member of the executive committee. Mr. Levering goes on to make a statement in regard to the live-stock conditions under which this law was passed, which called for its enactment forty years ago, and says they do not exist any longer. In all substantial matters the same conditions exist west of the Missouri River that existed then. It is true, as he says, that the old link and pin coupler has been improved and the springs on the cars are probably a little better. I do not know that it improves the condition of the cattle. In fact it works the other way. The cattle all have to stand up, but if the car was a little wider it might furnish them a little more comfort, but not very much.

We contend that double-track railroads and double speed has increased the necessity for this law, and that the situation in Illinois calls for the existence of this law. I brought the pamphlet along because I could not remember the points he makes.

Schedule time of both freight and passenger trains is about double that of thirty-three years ago, with practically no limit as to speed allowed.

Letters have been shown you by representatives of the stockmen showing that the average speed rate was from eight to fifteen miles an hour. I can hardly believe that the average rate thirty-three years ago was over four to seven and one-half miles an hour. As a matter of fact, west of Omaha we have not had any railroads except since

early in the seventies. They do not go back forty years. He says this:

As a matter of fact, the law requiring animals in transit to be unloaded every twenty-eight hours was framed to meet the conditions which existed about forty years ago, and it stands to-day substantially as originally framed. That it is obsolete, unsuited to present conditions, and should be modified, are the firm convictions of nearly every intelligent stockman who has no special local or private interest to serve by upholding the law as it stands.

I want to say another thing. After we met the stockmen and they told us that the Stockmen's Association was a unit in favor of this extension to thirty-six hours, and not believing it was to the interest of the cattle to extend the time, we began to make inquiries among the individual stockmen. I do not know the number, but I did know at that time; I think it must have been over fifty, probably nearly a hundred, and, gentlemen, there was not a single exception. The men we talked with said twenty-eight hours is long enough, and sometimes it is too long. When we asked for the privilege of quoting them and using their names they said "No; we do not want to involve ourselves. We are not going against the sentiment of the association. We can not afford to do so. There may be railroads interested in the question. We are not going to put ourselves in a position where, perhaps, we can not get any consideration." Those were the statements they made. They did not want to go up against the sentiment of the stockmen. They thought twenty-eight hours was long enough for the cattle to stand up and endure the hardships of transportation, but they did not want to put themselves on record. So I can not give their names for that reason. Mr. Henry Porter, of Denver, and Mr. Alfred Butts, known all over the West, both of them said those things.

Then Mr. Levering goes on to say:

It is indisputable that in those pioneer days of live stock transportation shippers encountered greatest difficulties. The science of railways was yet comparatively undeveloped, and much of the country was undeveloped also. The railroad companies were poor—very poor. The building of railroads was hazardous and costly, their equipment meager, limited, and primitive, and the service incompetent. Accommodations for both live stock and people were crude and uncomfortable.

I do not know how they could be very much more crude than they are now west of Denver and Omaha. I recently saw cars of live stock on switches, and I did not see one car in which there was any provision for watering the stock in transit, and I doubt in much greater proportion whether there was any provision for feeding them. You could see them as we passed by. There were very few; I can not tell the exact proportion; practically none.

I want to say I am making this talk a little desultory because one thing suggests another. At this meeting between the representatives of the stockmen and our board it was suggested by Senator Hammond that it was not a good thing to feed and water cattle on the cars and just before they were loaded, because he said with their bellies full the motion of the train and the conditions under which they were shipped made their footing uncertain, and as a result of the excrement they would slip and fall down; that the proper way was not to water and feed them before putting them on the car, and that then they would not slip and fall down. They have to be kept up. How many hours before the shipment the cattle have to go without

feed and water and how long are they kept before the twenty-eight hours in which they are confined?

Then Mr. Levering says:

Freight rates on live stock were high, often more than double those of the present time, and charged by carload rate, instead of cents per hundred pounds.

The present minimum carload rate is 22,000 pounds. It was 24,000 pounds, and has simply been reduced to 22,000 pounds, and any excess has to be paid for at so many cents per hundred pounds. So I do not see what difference it makes whether there is a minimum carload rate or not as long as it is necessary to load cattle tight enough so that they will not fall. It does not seem to me to make any difference what regulation of that kind there is.

Then he speaks of the defects in the cars, and that is true, except in the shipment of fancy stock or when the law prohibits shipments in that way, but 95 per cent of the live stock in the West is so shipped.

Then, Mr. Levering goes on:

The average schedule time, including stops, for freight trains on the five leading western roads in 1873—

There were not any leading roads west of the Missouri in 1873. The roads he is talking about must have been east of the Missouri—was 10½ miles per hour, with the highest time allowed 12 to 15 miles.

I do not suppose there was 100 miles west of Omaha on all the lines.

He says:

The roadbeds were rough and poorly ballasted, with excessive grades, wooden bridges, and trestlework, etc.

The high, arbitrary carload rates then charged for small stock cars induced heavy overloading, which constantly resulted in many dead and crippled animals.

If you pack the cattle in so they stand up by reason of their pressing against each other, you can not put in any more. You might possibly put in one or two more, but that would not do very well.

While the remainder were generally more or less bruised from the overcrowding and from the continual jerking, jolting, and swaying of trains having link-and-pin couplings and hand brakes only, etc.

The practice now can not be otherwise. It is a hardship to ship live stock under any such conditions. Everybody knows the hardship of unloading cattle and how difficult it is to get them off the trains. It has been told me by stockmen that cattle on being unloaded will lie down and rest five, six, or seven hours before eating anything—too tired to eat. The live-stock members of our board say in shipping live stock they allow from twelve to eighteen hours before the stock will eat, because of the time occupied in resting.

If a steer got down on the floor of the car, either thrown by the rough handling of the train, or through crowding of the stronger animals, or by weakness from the heat, or otherwise, the other cattle must be crowded away from him and he must be forced to arise, if possible, or else he was likely to be killed or crippled and sold at a loss.

That is undoubtedly true to-day west of the Missouri River.

It was therefore the invariable custom in those days for the owners or attendants in charge of the cattle to carry a lantern and an instrument called a "prod pole," the latter consisting usually of a long, heavy, hoe handle, made of ash or hickory wood, and nearly 6 feet in length, with a sharp iron or steel

spike extending from one end for a half inch to an inch or more, which sharp-pointed instrument was thrust through the cracks of the car and into the sides or other parts of the cattle to make them move aside, and into the "downer" to make him arise.

That is done to-day and has to be done. Men are sent along with the car to see that the cattle keep up, and in order to prevent their being crippled and killed. What difference does it make whether they are shipped by the minimum carload rate or whether they are shipped at so much per hundred pounds—you have to keep the cattle packed in.

Strong animals evenly matched might stand the journey without any of them being trampled or injured, beyond the bruises received during loading and from bumping against the sides of the car en route.

This state of things that Mr. Levering says existed thirty or forty years ago when that law was passed, I say the same conditions practically exist to-day.

This part of the statement is underscored as important:

Provided they were not kept too long under the strain of unloading, for in their crowded condition, with the jerking, jolting, rocking, and bumping of the cars while running, and the rough handling of trains during the frequent switching, it was a constant struggle for them to keep upon their feet.

That is true to-day. It is a constant struggle for the animals to keep on their feet, and yet they have to be kept on their feet, and sometimes cattle are destroyed before the journey's end is reached.

Within the last two months in Denver, on a 120 miles run from Pueblo over a line of track which is as much used as any track in the State of Colorado, there were 13 dead animals in one car. Some of those animals were trampled into a shapeless mass.

Mr. RYAN. Is that a usual condition?

Mr. WHITEHEAD. No, sir.

Mr. RYAN. That is very unusual?

Mr. WHITEHEAD. Yes, sir. If they had been kept up and forced to rise on their feet that probably would not have happened.

The CHAIRMAN. Was that carload of cattle in charge of anybody, or was anybody in charge of the cattle?

Mr. WHITEHEAD. We determined from the investigation we made that the damage had been done between the station at Pueblo and the station at Colorado Springs, but who was in charge of it I am not informed.

Mr. STEVENS. It is to the great advantage of the stock owners that cattle should not be in cars long enough to become tired and fall down?

Mr. WHITEHEAD. Yes, sir. Cattle are not like horses; stand up for days. Cattle will lie down; particularly cows.

Mr. ESCH. How long was the car, 30 feet?

Mr. WHITEHEAD. I do not know the size. It was probably the usual cattle car.

Mr. ESCH. Do you know how many cattle were in the car?

Mr. WHITEHEAD. I think it was not quite a load. Twenty-seven head of cattle I saw on the ground.

Mr. BURKE. It was not because they had been on the car too long?

Mr. WHITEHEAD. Not in that case. It was only 120 miles.

Mr. STEVENS. You have not any idea of the proportion of cars which go into Denver in which cattle are thrown down and injured or killed in that way?

Mr. WHITEHEAD. The agent of the board of health at Denver is there for the express purpose of destroying these animals when they are in a crippled condition, and his report shows varying numbers in the different years.

Mr. STEVENS. Are there more animals now than formerly?

Mr. WHITEHEAD. No, sir; I think there are less animals.

Mr. STEVENS. Is there anything in those reports that shows whether there were more cases when the twenty-eight-hour law was enforced than when it was not?

Mr. WHITEHEAD. I think the reports are not sufficiently accurate. There is always a swarm of meat dealers who buy the injured animals, and when they are slaughtered and brought into the market they can not tell the difference. The agent of the health department has to get authority to destroy them; otherwise he is liable for damages.

Mr. BURKE. Some of these animals are injured as the result of accidents while the cattle are en route?

Mr. WHITEHEAD. Yes, sir. Usually the accidents are caused by the animals getting down.

Mr. RYAN. You speak of the railroads west of the Missouri River. Have there not been marked improvements in the roadbeds since the time you spoke of a few moments ago—20 or 30 years?

Mr. WHITEHEAD. I suppose there have been some improvements. I had a talk with the agent of the D. and R. G. R., and he told me that the trouble was with the equipment and that they had to use old engines and anything they could get, and that therefore they could not make time. They have old ramshackled equipment.

Mr. RYAN. You do not mean to say they have ramshackled equipment on all the roads west of the Missouri River?

Mr. WHITEHEAD. No, sir; I am telling you what he said.

Mr. RYAN. That is a very exceptional case when they send ramshackled engines out?

Mr. WHITEHEAD. I think that expression would not apply to a great deal of their equipment.

Mr. RYAN. We want to know the facts, not what somebody else says.

Mr. WHITEHEAD. I give you the statement for what it is worth.

Mr. BURKE. The maimed cattle that are killed are sold to dealers who slaughter them and offer the meat for sale?

Mr. WHITEHEAD. Yes, sir. The object in getting the right to destroy these animals when they are taken off the cars is to prevent that.

Mr. BURKE. As a matter of fact, they are not sold for food?

Mr. WHITEHEAD. Not under these circumstances, because it is prevented in that way.

Mr. RYAN. With regard to the car you spoke of a few moments ago, do you know whether or not that car was loaded upon the minimum of 22,000 pounds?

Mr. WHITEHEAD. No, sir; I did not look it up. The matter was brought to our attention with reference to this matter of 28 hours, to find out who was responsible for the dead animals. We could not place the responsibility on anybody.

The CHAIRMAN. Will you state whether, in your judgment, it is better in all cases to unload at the end of twenty-eight hours or to

extend the time and run them through in some cases without unloading in the interest of injury or noninjury to the cattle?

Mr. WHITEHEAD. In our judgment we think it would be better to continue under present conditions and give a little more time in some cases, but if you amend the law you amend it in all cases and under all conditions.

The CHAIRMAN. What is your judgment as to the general proposition; would it be more injurious to the cattle as a general thing to require them to be unloaded at the end of twenty-eight hours or to leave that to the judgment of the persons in charge and traveling with the cattle?

Mr. WHITEHEAD. I do not think it is safe to leave it to the judgment of the persons in charge of the cattle.

The CHAIRMAN. What is your opinion as to the general proposition? Is it, in your opinion, better to require the cattle to be unloaded at the end of twenty-eight hours or to leave that, safely or unsafely, to the judgment of the persons in charge of the cattle?

Mr. WHITEHEAD. I think the cattle ought to be unloaded at the end of twenty-eight hours. I think provision ought to be made to unload the car at the end of twenty-eight hours. A railroad should make a speed limit to get to the point within that time. I think the stockmen have a grievance, and I think they have a right to complain of the railroads.

The CHAIRMAN. Have you given consideration to the question as to the injury to cattle by trains running at very rapid rates of speed?

Mr. WHITEHEAD. Yes, sir.

The CHAIRMAN. Do you think cattle are injured or not injured on a train that runs sixty miles an hour?

Mr. WHITEHEAD. The cattle are injured.

The CHAIRMAN. On a train running forty miles an hour, would they be injured?

Mr. WHITEHEAD. Undoubtedly, they would be injured.

The CHAIRMAN. On a train running thirty miles an hour?

Mr. WHITEHEAD. I think they could run over a good roadbed at that rate.

The CHAIRMAN. Have you figured out how fast a train must run in fact between stations in order to maintain an average speed between terminals of fifteen miles.

Mr. WHITEHEAD. No, sir; because the conditions change with the road. In the West the stations are thirty or forty miles apart, and it is not so in the East, where the traffic is congested and passenger trains are frequent. The conditions vary with each individual road in that respect.

The CHAIRMAN. I suppose everyone who has traveled west knows that passenger trains do not run as rapidly between Chicago and Denver, where the traffic is not congested, as they do between New York and Chicago, where the traffic is congested?

Mr. WHITEHEAD. I think that is true. Some have made provisions for high rates of speed.

The CHAIRMAN. You heard the statement this morning of the manager of the Boston and Albany road, that they can not make an average speed of eighteen miles an hour between terminals?

Mr. WHITEHEAD. That was the New York Central?

The CHAIRMAN. Yes, sir.

Mr. WHITEHEAD. I heard that statement, but he based that statement upon the conditions which he detailed with reference to the congestion of traffic. Those conditions do not prevail west of the Missouri River.

Mr. ESCH. Would it be possible to make a speed schedule in the mountain States? A part of the cattle coming into Denver comes from Montana, Idaho, and the far West.

Mr. WHITEHEAD. Yes, sir; and goes through to Chicago and Omaha.

Mr. ESCH. Would it be impossible to make a speed schedule in those sections?

Mr. WHITEHEAD. I am not a sufficient railroad man to understand about that.

Our remedy is this: That live-stock trains be given the right of way over dead freight and empty cars. The stockmen come to our office and they complain about the delays caused even in the Denver yards, and they ask us to help them; but when we try to have it done the employees of the railroads—supposing that this interstate law applies—say that they have twenty-eight hours and that they do not have to hurry any faster.

The CHAIRMAN. Do you know what the rules of the railroads west of the Missouri River are; whether they give stock trains the right of way over dead freight and empty cars?

Mr. WHITEHEAD. I have understood from the railroads that is true.

The CHAIRMAN. That is the general rule of all roads?

Mr. WHITEHEAD. Yes, sir; as far as I know.

The CHAIRMAN. And your proposition is not to change existing rules?

Mr. WHITEHEAD. To make it compulsory.

Mr. STEVENS. There might be conditions when such compulsion would work great hardship.

Mr. WHITEHEAD. I would provide for necessary exceptions.

Mr. STEVENS. Who would have the power to make the exceptions?

Mr. WHITEHEAD. It would depend on what exceptions were necessary. I am not a railroad man or a stockman.

Mr. STEVENS. Up in the central Northwest, in the grain States, there does come a time in the fall when it is necessary to move grain. Vast quantities of grain are piled up on the ground, and they have to get the grain moved just as fast as they can, and unless the grain is moved before the snow flies the farmers suffer. At that time would you compel the stock trains to have preference over the grain trains?

Mr. WHITEHEAD. In such a condition we would try to find some way to do it. We want to be fair.

Mr. STEVENS. Is it not safe to leave it to the people who are responsible to both sides?

Mr. WHITEHEAD. No, sir.

The CHAIRMAN. Suppose that this committee should come to the conclusion after the hearings are concluded that it would be more in the interest of humane treatment to the live stock to permit it to be run through exceeding the twenty-eight hour limit rather than to force the cattle to be unloaded at the end of twenty-eight hours and within a few hours of their final destination? What would you advise the committee to do under such circumstances?

Mr. WHITEHEAD. I do not think that would help the stockmen at all, unless you had a minimum speed rate.

The CHAIRMAN. Tell us what you would advise.

Mr. WHITEHEAD. I do not know that I understand the question.

The CHAIRMAN. Suppose we should become convinced that it would be more humane to amend the law than it is to enforce the existing law. As a matter of humanity, do you think we ought to act upon that conviction?

Mr. WHITEHEAD. Upon your honest conviction; yes. Otherwise I would not be here. The stockmen, whom we regard as friends, regard us as enemies, and we intend to be friends, and we want to help them out in any way we can, but we think this is not the right way.

The CHAIRMAN. You do not think the present condition of the law and the present practice is satisfactory, as I understand?

Mr. WHITEHEAD. In many cases I think it is. I think the stockmen deserve some help.

The CHAIRMAN. In your judgment the proper method would be to run the stock trains with greater speed?

Mr. WHITEHEAD. I think so.

The CHAIRMAN. You are not a railroad man?

Mr. WHITEHEAD. No, sir.

The CHAIRMAN. Have you given careful study to the question as to whether it is possible to run the stock trains at a much greater speed than they are now run?

Mr. WHITEHEAD. I think we have given considerable attention to it. The conductors made the suggestion: "Why do you people not ask to have stock trains run next to passenger trains?"

The CHAIRMAN. You say that is usually the rule now of the company?

Mr. WHITEHEAD. Yes, sir; whether they comply with the rule I do not know.

The CHAIRMAN. It may be whether the conductor or some other official of the company complies with the rules. I do not suppose we all always comply with the rules.

Mr. WHITEHEAD. One of the complaints the stockmen make is that it is the under employees who make the trouble, because they do not obey the rules.

The CHAIRMAN. Do you know whether there is anyone else representing the American Humane Association?

Mr. WHITEHEAD. Yes, sir.

The CHAIRMAN. Do you know whether Doctor Stillman is in the city or whether he has sent anyone here? I endeavored to notify everybody connected with the association who gave me any notice in reference to the hearing, and I do not know whether anyone is here to be heard.

Mr. WHITEHEAD. No, sir.

Mr. BURKE. How long have you been connected with this work?

Mr. WHITEHEAD. Since 1886.

Mr. BURKE. I think it has been stated that this twenty-eight-hour law was not observed by the railroads until last June?

Mr. WHITEHEAD. It has been so stated.

Mr. BURKE. How long?

Mr. WHITEHEAD. I will give you the Agricultural Department's statement upon that point. Here is the statement.

The CHAIRMAN. We issued a public document upon that subject a year ago last summer.

Mr. BURKE. To what extent have the humane societies or the society with which you are connected been endeavoring to have the law enforced?

Mr. WHITEHEAD. I can not speak of any of the others. Our society has not made any special effort except to write a few letters and endeavor to take the matter up with the railroads and get them to comply with the law. The protection of the animals is very feeble and weak; there are only a few of us, and there has been no money. Here is the statement of Secretary Wilson:

In 1891 Secretary Rusk distributed thousands of circular notices addressed to all railroad companies transporting cattle within the United States, calling their attention to the provisions of the law and urging them to arrange their train service and provide necessary feeding and watering stations. In 1895 Secretary J. Sterling Morton distributed similar notices. On March 24, 1897, I issued a warning circular and caused it to be mailed to the railroad companies throughout the United States, and also caused it to be posted in conspicuous places around stock yards and railroad stations. During all this time the law was being continually violated by the carriers. Some years ago special agents were put on the road to accompany stock trains in order to detect and report violations of the law. A large number of cases was collected by these agents and transmitted to the Department of Justice for prosecution in the Federal courts. On account of the difficulty of securing evidence, and in some cases the unreasonable requirements of the district attorneys before proceeding with cases, only a small number of convictions was secured.

The CHAIRMAN. Is not that statement in an official document?

Mr. WHITEHEAD. I do not know. This statement was submitted to the President by the Secretary of Agriculture.

The CHAIRMAN. Do you know the average speed of cattle trains west of the Missouri River?

Mr. WHITEHEAD. I do not know except as stated to me by some of the stockmen—from 8 to 15 miles an hour. You see it is difficult for us to obtain the statistics and information we would be glad to have, because we have not the money, the means with which to do it. There is no money involved in this for us; it is simply a question of conscience and what we think is right.

The CHAIRMAN. How about calves and lambs?

Mr. WHITEHEAD. That is still worse, because the calves are taken from sucking mothers, and to keep them on the cars more than twenty-eight hours is exceedingly inhumane.

Mr. RYAN. How about hogs?

Mr. WHITEHEAD. It is not so bad; they lie down. It is the cattle that suffer most. Horses are not so bad; they keep on their feet.

The CHAIRMAN. I wish you would tell us more about the calves and lambs.

Mr. WHITEHEAD. The reason I can not is because I have given no attention to it. West of the Missouri River the calves are not shipped.

Mr. RYAN. If they unload calves, will they drink and eat?

Mr. WHITEHEAD. Not sucking calves. They do not know how. As I say, we do not have that sort of thing in the West.

**STATEMENT OF MR. J. W. MOORE, 6933 PARNELL AVENUE,
CHICAGO, ILL.**

Mr. Moore was sworn by the chairman.

Mr. MOORE. My general business is that of live-stock commission merchant. I have other kinds of business on the side. I have an interest in lands, and usually every year I have fed stock and shipped them to Chicago.

Mr. Chairman and gentlemen of the committee, the live-stock men of this country take the position that the enforcement of the twenty-eight-hour law is the result of misdirected humanitarianism and that it inflicts a greater injury on the live animals than noncompliance with the law. If I could convince you gentlemen of two things—and we will before the present session of Congress is over—we would have little difficulty in securing the legislation that we seek, namely, that the little additional time over the twenty-eight hour law that would enable us to reach Chicago would not be harmful, and that there is a general demand among the stockmen of this country, and once you folks, members of the House and Senate, have been convinced of those two facts we will have no difficulty in securing the legislation that we seek.

I am here to emphasize the claim that has been made that when you get within easy reach of Chicago it is more harmful to the live animals to unload them than to continue them on the train the additional time that it takes to reach Chicago.

Mr. Chairman, I want to direct your attention to the fact that the men who have given this matter very careful attention have been converted to the opinion that this little additional haul of eight hours is the kind of legislation that we seek and they have receded from their former humanitarian views. This committee are actuated by the very best of motives. I do not want to question their motives. They have committed the sin of ignorance, and astounding, Mr. Chairman and gentlemen, as this proposition may be, I hereby declare that the enforcement of the twenty-eight hour law has inflicted more punishment on the animals during the period of its enforcement than anything else that has ever been inflicted on live animals. I say that I give them credit for good motives in this direction, but, as I said at the outset, it is the result of misdirected humanitarianism, and we do not want it. The men formerly allied with humane societies who have given the subject close investigation have acquiesced in our demands and have seen that it is not harmful to live animals to keep them on the cars thirty-six hours. Mr. Mortimer Levering was for twelve years chairman of a humane society, and has given the matter close investigation. He will file a document here that shows that he is in thorough accord with the thirty-six hour proposition, simply because it does not inflict any harmful effects upon the animals themselves. Mr. Frank Cooper, of Kansas City, who was not later than last July connected with a humane society, and who, before he investigated the matter very closely, was very much opposed to the extension now in the record that you have that was made a few days ago, comes out strongly in favor of the proposition of extending the time.

Your Honorable Secretary Wilson was formerly opposed to this, but during a visit to Chicago, after seeing the pleasant condition in which the stock actually arrived in Chicago, said: "Gentlemen, I must reverse my position. I am in favor of an extension to thirty-

six hours, because the effects are not harmful." So I say, gentlemen, that I want you to consider for one minute the opportunities that these people have had for arriving at a correct understanding as compared with ourselves.

Mr. Chairman, I have congratulated myself on one or two occasions that I got the stock off my farm into the cars, because they were in a more pleasant condition when in the cars than they were in the field lots. I want to direct the attention of the Congressmen and others here to the fact that the inhumanities and cruelties of the shipping process have been greatly exaggerated here to-day. I will tell you, Mr. Chairman, that when you load a load of hogs in the cars according to the rules that have been established by the railroads—to supply that load of hogs with corn at intervals of sixty or seventy miles, with ample water in the car—Mr. Chairman, that load of hogs is about as near hog heaven as they can ever expect to be and as pleasantly located as they would be in the field lots. The same way with cattle. I am surprised that gentlemen here have permitted to go unchallenged the statements that were made over in the other room this afternoon. I say I am surprised that they would allow those statements to go unchallenged.

The CHAIRMAN. I would suggest to you that after all witnesses are not so much here for the purpose of making arguments as they are for the purpose of giving information to the committee. I know you have a great deal of information.

Mr. MOORE. I have, sir. I have been thirty years acquiring it.

The CHAIRMAN. I think it would be more interesting to the committee to hear information than even your able argument.

Mr. MOORE. Well, sir, I will remind you that it takes facts and arguments both to establish a proposition, and while I do not appeal from the decision of the chair in the least, I want some latitude allowed me in the presentation of what I am to say.

Now, as to the general demand. When Secretary Wilson was at Chicago he announced that he would be our ally in securing a law like this, because, he said: "It does seem to me to be a hardship that when you do get within easy reach of Chicago, forty or ninety miles, you can not extend the time long enough to get into Chicago, and to that extent I am going to be allied with you."

Since then I have interviewed over one hundred shippers, and in my documentary evidence here I have arranged the names of forty or fifty men who strongly urge the repeal of this law because an observance of it has no compensating influence or value whatever. That will be found in this evidence which I hoped to have time to read, and you will find that the fact that they are unloaded is an additional cruelty, and that the quicker you get them to market the better.

There is another point—and I make this statement realizing the solemnity of the obligations of my oath—if it is not true I want to know about. I do not claim that the passing of this law will be the panacea that will cure all the ills of the stockmen, and I do not say that they will all intervene for the passage of this law, but I want to strike a happy medium, something that will oblige more stockmen and remedy the present conditions.

It is a matter of dollars and cents. It has been established beyond the shadow of a doubt that the unloading process and the loading

process inflict more punishment on animals than if left on the cars until they reach their final destination.

Mr. BURKE. And the unloading would only prolong the period of starvation?

Mr. MOORE. Yes, sir; your question has suggested the answer. Some one might say thirty-six hours; why not forty hours, and why not fifty hours? That was alluded to this morning. I want to explain that ordinarily I am not afraid of forty or forty-five hours, but owing to the water conditions that we sometimes have in the West during the months of July, August, and September, the railroads might abuse that long limit. Civilization and Christianity have penetrated the West, and the East has no longer a corner on that commodity. We out there are as much Christians, perhaps, as anywhere, and we are not without feeling, and we are not going to abuse the animals if we can help it.

The CHAIRMAN. Would you put in a less time than thirty-six hours for July, August, and September?

Mr. MOORE. I will tell you. We are human beings, and our laws are human, and it is pretty hard to get a law that will fit every circumstance. That might be true. I will concede that there might be some truth in that suggestion, but thirty-six hours as a general average during the entire year will meet the different contingencies, and that seems to be a fair average; but the twenty-eight-hour law is just a little bit over. They can get within easy distance of Chicago, and railroads, in order to avoid punishment, will stop your stock. I have had stock unloaded forty miles from Chicago, and no man can tell me that that additional shipping would not be easier on the stock than to punch it out of the car and punch it back again.

Mr. RYAN. Please tell us what effect it had upon the stock when it was unloaded that short distance from Chicago?

Mr. MOORE. There is a part of that I am not acquainted with; but I can tell you that one day when we had a load of hogs unloaded at a station that seven of those hogs died right in the pen after they were unloaded. Mind you, these hogs were unloaded out of a comfortably equipped car, and they were put in the pen there. The railroad people can not afford to sprinkle and properly clean the pens, and then "what is everybody's business is nobody's business," and seven of them died.

Mr. RYAN. You think that was the result of putting them in the pens?

Mr. MOORE. I can not attribute it to anything else except the result of putting them in the pens. I would be willing to say that that must be true. Tell me whether that was an act of humanity or not to take them out of the comfortable cars and put the hogs in the pens. I do not say that the cases are all parallel, although a great many of them are.

Mr. RYAN. Have you ever shipped a carload of hogs from this distance to Chicago; and if so, what was the result?

Mr. MOORE. I am a humanitarian. I shipped one hundred and twenty-eight carloads a distance of nearly three hundred miles in one winter and I think six hogs were all I lost, because I always put in an ample amount of feed and I treat them kindly before putting them on the car, and I put corn in the car and my percentage of loss does not compare with the average.

I want to impress upon the committee that these animals are turned

out of a comfortable equipped car within easy reach of Chicago—easy reach of Chicago or other markets. It is not confined to Chicago. There is no effort on our part to build up Chicago. I can demonstrate to this committee that the other markets are just as much interested in this matter. We have no axes to grind except to relieve the hardships of our fellows, losing the actual money and it being harmful to the animals themselves.

Mr. BURKE. Suppose your cattle were within easy reach of Chicago and the thirty-six hour period was about to expire, would not your argument be the same. It would, perhaps, be better and more humane to keep them for a short time longer and land them in Chicago?

Mr. MOORE. We are law-abiding citizens; and as I told you a few moments ago this is not a law that will remedy all the ills, still it will be of some benefit. While I know that a run of forty hours would not be harmful under certain conditions I want to remind you that as you extend the time limit of being on the cars you reduce the number of stops that will be made; and while your question is pertinent and I would be perfectly willing to observe the law, there will be times when the uncertainties of train service can not be anticipated and they could not reach Chicago in thirty-six hours.

The following documentary evidence was submitted by Mr. Moore:

*To the Committee on Interstate and Foreign Commerce of the
House of Representatives of the United States,
Washington, D. C.*

GENTLEMEN: The following shippers of live stock to the market at Chicago are opposed to the operation of the twenty-eight-hour law and favor an extension of the time live animals shall be kept on cars to thirty-six hours. They have expressed themselves as positive that the enforcement of the twenty-eight-hour law utterly fails to accomplish the humane object sought by the advocates of the law. The observance of the law has no compensating advantages.

Two things and only two things are accomplished by the enforcement of the law, viz: Additional cruelty to the animals and loss of dollars and cents to the owner of the animals. These gentlemen claim that according to the way the shipping of live stock is conducted in these modern times hogs, cattle, and sheep are in far better condition on the car than being unloaded in pens that are so poorly equipped for comfort that cruelty to the live stock is the result of unloading.

DROVERS' COM. CO.,

Per J. W. MOORE, *Secretary*.

A. A. Sandvig, Webster, S. Dak.; James Brown, Menno, S. Dak.; J. E. Snyder, Stanhope, Iowa; J. H. Amrine, Timewell, Ill.; A. R. Amrine, Baylis, Ill.; W. H. Brown, Maysville, Ill.; R. Baker, Shelbyna, Mo.; Chas. H. Benson, Pittsfield, Ill.; J. R. Bell, Spring, Ill.; Geo. Carnes, Maysville, Ill.; S. E. Carnes, Pittsfield, Ill.; W. A. Clark, Mount Sterling, Ill.; D. B. Carithers, Table Grove, Ill.; R. T. Clay, Clarence, Mo.; T. P. Manuel, Clarence, Mo.; M. G. Davis, Blandinsville, Ill.; A. C. Deaver, Paris, Mo.; Elder & Jolidon, Hamilton, Ill.; W. D. Haymond, Minburn, Iowa; F. E. Haskins, Republican City, Nebr.; John Kendrick, New Canton, Ill.; E. Morgan, Pittsfield, Ill.; G. W. McCoy & Son, Hersman, Ill.; R. H. Howard, Janesville, Wis.; Geo. Allen, Castalia, Iowa; John Kneeskern, Castalia, Iowa; Herman Koth, Monona, Iowa; Frank Limbeck, Ossian, Iowa; Peter Gribben, Lanesboro, Minn.; Reide & Jacobs, Lake City, Minn.; J. E. Mabey & Son, Lake Crystal, Minn.; M. Kinsella, Thielman, Minn.; A. J. Anderson, Hammond, Minn.; G. J. Duncan, Mazeppa, Minn.; Wm. Wirth, Berlin, Wis.; H. Peterson, Nashotah, Wis.; W. G. Wright, Wakonda, S. Dak.; J. T. Daugherty, Volin, S. Dak.; W. C. Brown, Scotland, S. Dak.; J. H. Dickson, Scotland, S. Dak.; H. M. Buchholz, Tyndall, S. Dak.; H. D. Geidd, Avon, S. Dak.; E. A. Bradley, Webster, S. Dak.; Rathbun & Beachy, Webster, S. Dak.; J. E. Englehart, Webster, S. Dak.; P. T. Mitchell & Son, Packwood, Iowa; Harry Oakes, Bluffs, Ill.

CHICAGO, February 16, 1906.

MESSRS. M. P. BUELL and J. W. MOORE,

Union Stock Yards, Chicago.

GENTLEMEN: I herewith inclose you a letter pertaining to the conversation that I have had with the different shippers from different districts in relation to the extension of time live animals shall be kept on cars. The following shippers of live stock to the Chicago market are opposed to the operation of the twenty-eight hour law, and favor an extension of time live animals shall be kept on cars.

They realize exactly what the law is and has been, when enforced, for the last twelve months. We all realize that the law was not enforced until of late, and they express themselves as being very much dissatisfied at being compelled to unload their stock while in transit according to the law under the clause of twenty-eight hours. We are heartily in favor of the bill pending before Congress giving an extension of time to thirty-six hours instead of twenty-eight hours. The law as enforced utterly fails to accomplish the extreme object sought by the advocates of the law. On the other hand, has caused a great deal of loss, not only in the way of time but in the way of bruised cattle, caused by unloading and reloading again, whereas, if they could have had thirty-six hours to have got the stock onto the market it would have arrived in better condition, and got on the market one day sooner in many cases, and would not look stale and careworn by being pounded in and out of the cars.

They believe, with the writer, that cattle are much better off in comfortable cars, well bedded, thirty-six hours, than they are if unloaded in the specified time, twenty-eight hours, and have expressed themselves emphatically to that effect, and I take pleasure in handing you this as their memorial on this subject. Two things, and only two things, are accomplished by the enforcement of the law, namely, cruelty to the animals and loss of dollars and cents to the owners. These gentlemen claim, according to the way shipping of live stock is conducted in these modern times, the stock arrives in far better condition on the cars than if they were unloaded in pens, many times not properly equipped for comfort. Most of the cruelty to live stock in the way of shipment is in the unloading and reloading while in transit.

We hope you may be able to impress upon the committee in Washington that the pending bill for an extension of time is of great importance and should be passed by all means.

Yours, truly,

G. B. VAN NORMAN.

Fred Eckhart, Viroqua, Wis.; Grant Ross, Richland Center, Wis.; Brainard & Smith, Lone Rock, Wis.; E. W. Evans, Spring Green, Wis.; Cook & Meyer, Prairie du Sac, Wis.; Frost Bros., Avoca, Wis.; Wm. Geller, Muscoda, Wis.; J. Hamilton, Rudd, Iowa; Waller Bros., Charles City, Iowa; F. O. Martin, Floyd, Iowa; J. G. Lindon, Clear Lake, Iowa; G. B. McIntosh, Clear Lake, Iowa; Grimm & Hollister, Clear Lake, Iowa; John Shank, Nora Springs, Iowa; De Wald & Walters, Freeman, S. Dak.; Chas. Irons, Kingsley, Iowa; L. B. Spencer, Kingsley, Iowa; E. W. Mass, Westfield, Iowa; Henry Mauss, Belmont, Iowa; J. B. Farley, Corning, Iowa; Thos. Cunningham, Rutledge, Mo.; I. H. Cunningham, Fabius, Mo.; W. H. Austin, Fabius, Mo.; Chas. McFarland, Rutledge, Mo.; Ed Randall, South St. Paul, Minn.; L. H. Ong, Canfield, S. Dak.; C. Frederickson, Sioux City, Iowa; L. V. Booher, Lebanon, S. Dak.

STANWOOD, IOWA, February 14, 1906.

G. B. VAN NORMAN & Co.,

Chicago, Ill.

GENTLEMEN: Referring to the bill before Congress in regard to the amendments to extend the time for stock to remain in the cars thirty-six hours instead of twenty-eight hours, as the law is now, I want to say to you, we shipped a great many cattle, as you know, from South Dakota last fall and were compelled by law to unload nearly all while in transit and to a great expense and damage to our stock. You know as well as I do that it does not hurt stock to remain in the cars thirty-six hours. You also know in loading and unloading, especially cattle, they jam and bruise their hips and sides very

much, which is not only a damage to the stock, but causes a heavy shrinkage, and you know the packers will not pay full price for bruised stock. One shipment we made we unloaded by order of the railroad company, who set our stock out and demanded that they be unloaded. The yards were not strong or safe. Our cattle broke out and it took us fully two hours to gather them up, causing a very heavy shrinkage, and the cattle did not arrive on the market in good shape, whereby, if they had been allowed to remain in the cars we would have been on the market one day sooner and made a profit; but as it was we lost money. The shippers are too wise to want to hold cattle on the cars if they in any way suffer, and we should be granted the thirty-six hours by all means from a humane standpoint and a business proposition.

Yours, truly,

ED. MALEY.

**STATEMENT OF MR. MURDO MACKENZIE, MANAGER OF THE
MATADOR LAND AND CATTLE COMPANY, TRINIDAD, COLO.**

Mr. MACKENZIE was sworn by the Chairman.

The CHAIRMAN. What is your business?

Mr. MACKENZIE. I am manager of the Matador Land and Cattle Company.

The CHAIRMAN. Is that company engaged in the raising and production of cattle?

Mr. MACKENZIE. Yes, sir.

The CHAIRMAN. To what extent?

Mr. MACKENZIE. Seventy thousand head of cattle.

The CHAIRMAN. What official position do you occupy in connection with any of the stock interests?

Mr. MACKENZIE. I am president of the American National Live Stock Association. This association comprises practically all of the stock interests west of the Mississippi River.

I would like to make a few remarks in answer to Mr. Whitehead before I start on my own statement. Mr. Whitehead criticised Mr. Levering for talking about the improved condition of the stock cars. If Mr. Whitehead had been a practical shipper he would know very well that the improvement in the stock car has been very material in the last twenty years. The springs are better, the brakes are better than the old-time hand brakes. We had the old-fashioned coupling, and when the cars came together when the train stopped the impact was so great that the cars came together with such force that it knocked many of the cattle down. To-day we have air brakes, we have better springs, and we are in better shape all around to ship our cattle than we were fifteen or twenty years ago. The cattle can ride easier, and it is like comparing the old coach of twenty years ago with the Pullman of to-day.

Mr. BURKE. What about the roadbeds?

Mr. MACKENZIE. They have been very much improved in the West. They are better ballasted, the steel is heavier, and consequently a train will ride over the road very much easier.

The CHAIRMAN. And then you have the continuous rail which was unknown twenty years ago?

Mr. MACKENZIE. Yes, sir; I am glad that Mr. Whitehead has disclosed the names of the cattlemen with whom he spoke as to the advisability of shipping cattle within twenty-eight hours. We tried to get from Mr. Whitehead at the two meetings the names of those

people who gave him the information, but he refused absolutely on the ground that he did not want to divulge the names. Why anybody should be afraid to state his honest opinion about this matter is more than I can understand. I will say that Mr. Porter, of Denver, is a personal friend of mine, and I met him at the train one day and I spoke to him about this matter. He is a member of the humane society; he is a cattleman. He told me emphatically that he did not have any objection to the extension of time. Now, Mr. Whitehead speaks of him here as one of the parties who objects to the extension. Mr. Whitehead spoke about the car that was shipped from Pueblo. The car shipped from Pueblo might or might not have had an excess of the 22,000 pounds minimum. It might have been overloaded, but it is not worth while talking about it, because it is not a fair example of any shipment which may have been made. Where there is no restriction on the 22,000 pounds cattlemen can ship as many as they please.

Cattlemen are like men in every other kind of business. They are not all particular as to what they should do when they have an opportunity of overloading stock, and in this particular case of a carload being shipped from Pueblo to Denver they might not have been so particular in getting the cattle put in as comfortably as when they ship a longer distance. Gentlemen, it would be idle to take an example of people who only ship their cattle a short distance to the market and compare them with those of us who have to ship a longer distance. It makes a great difference in the way you load the cattle. It makes a difference in the number of times that you unload the cattle. You take it from the Panhandle of Texas to the market at Kansas City, and if you get 18 miles an hour speed, which Mr. Whitehead claims the railroads should make, you can not get to the market within the twenty-eight hour limit. When you take the cattle off the cars they are entirely different from the cattle that you are familiar with in the East. They are not gentle cattle. They are not familiar with men walking on foot. They do not see a man on foot once in six months. If they do they run away from him just the same as a wolf would do. When you take the cattle off the cars and put them in the pens with a lot of people around them, they do not rest as gentle cattle would. They are nervous, and they get frightened and they keep walking and running around instead of resting and eating and drinking. For that reason I claim that it would be more humane to send the cattle forward to the market and to get them out of their misery just as quickly as possible.

When I say to you that the wild cattle on the range shrink from the very minute that you commence to gather them for shipment, it will make you understand the misery that the cattle go through from the time the men commence to gather them until you get them on the block. If you were to talk from the humanitarian standpoint, leaving the interests out of the question entirely, I say to you emphatically, as a man who has had experience in this business for twenty years, having gone with the trains myself time and again, that it is more humane to get the cattle to the end of the journey just as quickly as you can and get them out of their misery and end their lives. It is most unfortunate that we have to kill cattle. It is most unfortunate, as a gentleman said this morning, that we had to ship cattle,

but conditions compel us to do so. One would infer from the statement made this morning that cattle should not be shipped a distance of 500 miles at all. Suppose you gentlemen should restrict us to that limitation, what would be the result? The result would be that we would have to let the cattle die on the prairie. That is the condition exactly in which we are in. We are faced with a condition which compels us to ship the cattle. We are faced with a condition that we should get to the market with the lowest possible misery to the cattle in transit—get them to the end of the journey as soon as we can, and get them out of their misery. I can cite cases to prove every word I say here.

The distance from Estelline or Channing, Tex., to Kansas City is 650 and 550 miles, and we can not possibly get to the end of the journey in twenty-eight hours. If the law is enforced it would compel us to unload the cattle at some point in transit, and that point might not be a hundred miles from Kansas City. If the law is enforced we would be compelled to take the cattle out at that point. Sometimes they are put in pens that are crowded. It is easy for people down here to say, "Why don't the railroads make provision to receive your cattle," but if the railroads were to make provision to receive the cattle it would create such an expense to the railroads that what we would have to pay them would be more than would justify us in raising the cattle.

I have one case which I will give you in point. I shipped a train load of cattle to Kansas City, and at Harrington, which is 14 miles from the market, the humane society insisted that we should come off onto the side track and that the cattle should be put in the pens, but when they got to the pens the pens were full, and my cattle had to stand in the cars from 8 o'clock at night until 10 o'clock the next morning before there was room in the pens to receive them. It would have been more humane to have sent the cattle on to the market, which they could have reached in five or six hours. Then we had to go through the same process of reloading them and forwarding them to market. I shipped cattle to Dakota over the Rock Island, and when I came to Hutchinson, Kans., where the trains had to be unloaded, where the train should have been unloaded, there was no room in the pens to receive my cattle, because the pens were already filled with cattle. When my trains came on they had to stand there, because there was a washout in front of us and we could not go on, and the cattle that we took out of the cars got into mud up to their bellies, and I lost 33 head of cattle out of the train load which I unloaded at Hutchinson, and out of those that I did not unload I did not lose one.

The CHAIRMAN. You did not unload one train at the end of twenty-eight hours?

Mr. MACKENZIE. I did not; I had no room.

The CHAIRMAN. They remained in the cars?

Mr. MACKENZIE. Yes, sir; all the time.

The CHAIRMAN. How long a time?

Mr. MACKENZIE. Eleven hours standing in the cars, because they could not go forward.

The CHAIRMAN. How long did they remain in the cars from the time they were loaded?

Mr. MACKENZIE. Twenty-four hours getting to Hutchinson and eleven hours there, and then they had to be sent on to Harrington to be unloaded and fed.

Mr. BURKE. How long there?

Mr. MACKENZIE. About six hours.

Mr. BURKE. That would make forty-one hours?

Mr. MACKENZIE. Yes, sir. I had another case on the road to Denver. I got as far as Trinidad, when a washout occurred. Some cattle were there which had come in ahead of me and had to be unloaded. I went to see the pens. I saw what condition they were in. I found that the cattle were wading in mud up to their bellies. The railroad people informed me that I had to unload my cattle; they could not send them on. I said "I am not going to unload them." There was a washout, and they could not send them forward. I said, "I can not unload them. I am not going to put my cattle into those pens." I held the cattle on the cars for ten hours. They were twenty-four hours on the cars before this. I sent them on to Pueblo before I unloaded them and fed them, a distance of 90 miles farther.

Mr. RYAN. How many hours were they delayed there?

Mr. MACKENZIE. About eight hours.

Mr. RYAN. That makes forty-two hours?

Mr. MACKENZIE. Yes, sir. I did not lose one hoof of cattle out of the four trainloads. The man who had to unload his cattle in the pens at Trinidad, one man alone lost forty-three head in the shipment of one train. I saw cattle dying without being able to lie down. They were in mud up to their bellies. Which was the most humane? That matter was left entirely to me because I had the greatest interest in the stock. It would be foolish for anybody to suppose that I did not have the greatest interest in seeing that they were in the best possible condition. If I had not had the greatest interest I would have unloaded them into the pens and the result to me would have been a great loss.

I had a trainload come to Chicago in August of last year. Just previous to my shipment a neighbor of mine, Mr. Bloom, shipped a few cattle from Montana. The cattle looked well and the packers were anxious to pay \$4.50 a hundred for them. I felt pretty good over it because there was a trainload of my cattle near the market. Mr. Bloom's cattle had to be unloaded a hundred miles out of Chicago. That was the third time that they had been unloaded. The packers bought them and took them down to the slaughter-houses and found when they slaughtered them that they were bruised and not desirable for their custom. My cattle came in early the next week, Monday. The packers came down and said, "Gentlemen, these cattle had to be unloaded a hundred miles out of Chicago just like Mr. Bloom's cattle, and we will have to cut you fifty cents a hundred on the price." That is the result.

The CHAIRMAN. When was this?

Mr. MACKENZIE. Last year.

The CHAIRMAN. While the law was being enforced?

Mr. MACKENZIE. Yes, sir; and that was the reason why we insisted upon Secretary Wilson coming all the way from Washington to Chicago to investigate this question on the ground. After Mr. Wilson had come to Chicago and had been to the yards and stayed there for three or four days—I would not be positive how long he

stayed there—but he saw the cattle coming in which did not have to be unloaded out of Chicago, and he saw the cattle coming into the market which had been unloaded out of Chicago, with the result that Mr. Wilson came to the decision and so ordered that the twenty-eight-hour law should not be enforced where the railroads tried honestly to bring the cattle in to their final destination. He said he would not be a party to the prosecution, and so the prosecution failed. It was not enforced, as far as I know.

Now, gentlemen, in taking cattle to Chicago, a bunch of steers that will weigh 1,100 pounds in the field will shrink, depending on the condition of the cars, from 50 to 75 pounds during the first twenty or twenty-four hours.

Mr. STEVENS. That is on the cars?

Mr. MACKENZIE. Yes, sir; on the cars, or when you unload them. If you reach your market by that time they have shrunk from 50 to 75 pounds, dependent on the cars and the age of the cattle, the older the cattle up to five years the less the shrinkage. If you keep the cattle on the cars a greater length of time than that the shrinkage is considerable, but it is not of the same kind. You commence to shrink the beef in the cattle. The first twenty to twenty-eight hours you shrink the grease in the cattle. Afterwards you shrink the beef and if you take them off the cars and insist on keeping them off from twelve to twenty hours longer than we could be able to get to the market you are not only causing the animals misery, but you are shrinking the stock, and you can not shrink the beef of the animal without misery to the animal. The cattle are feverish and wild, and can not be used as you use the gentler cattle from the corn-fed country. My experience has been this, that in handling wild cattle, taking them off the car and loading them for five or six hours, they do not rest at all.

Mr. STEVENS. Why?

Mr. MACKENZIE. They are nervous and afraid of the people around the pens. They are not accustomed to the people.

The CHAIRMAN. That is range cattle?

Mr. MACKENZIE. Yes, sir. In speaking about cattle I speak about western cattle. You know that the men around the stockyards try to feed the cattle, but instead of the cattle looking for feed and water they are looking around watching the people walking, and if they see something they will rush off and sometimes will knock down some of the other cattle. That is my own experience, gentlemen, and it is not an experience of hearsay. It is an experience from being around the cattle when they are being shipped and being with them on the cars until they come off at the end of the journey, and in my experience I have found that it is inhuman to take the cattle off the cars if you can get them to the end of the journey in a certain time. I have not agreed upon any time and can not suggest what would be the proper time, but I feel that by giving us thirty-six hours, which would be one less unloading, it would materially add to the comfort of the cattle.

Is there any question which you wish to ask?

Mr. BURKE. The stock men are generally asking for an extension of the time from twenty-eight to thirty-six hours. Are they also asking for a speed limit?

Mr. MACKENZIE. We would ask for a speed limit, if we could get it.

Mr. BURKE. What do you think about it?

Mr. MACKENZIE. I think it is entirely impracticable.

Mr. STEVENS. Why?

Mr. MACKENZIE. Because you can not make a law which will give one section of the country a right to a speed of fifteen, sixteen, or eighteen miles, and in another part of the country have a speed limit of ten or twelve miles. I know of sections of the country where you can not make twelve miles an hour. If you do you are endangering the lives of those in charge of the cattle and the lives of the cattle. You go over the mountains in western Colorado, where it is more dangerous to go down hill than up, and it would be impossible to have a speed limit. There is another phase to it. If you insist upon a speed limit of eighteen to twenty miles an hour the railroads will have to reduce the size of their trains to such an extent that the prices of transportation must be materially increased. Otherwise the railroads could not do it. I have two or three railroads in mind where I know it would be utterly impossible to do so unless the size of the trains was reduced to ten cars or less.

Mr. SMITH. May I ask the witness one or two questions?

The CHAIRMAN. Very well.

Mr. SMITH. You testified that in the first twenty-four hours the cattle shrunk from fifty to seventy-five pounds, and that was without particular damage to the cattle or the flesh?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. And that after that there was a distinct shrinkage of the flesh?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. And you stated that it caused them suffering?

Mr. MACKENZIE. Yes, sir; it must.

Mr. SMITH. In view of that, you still say that the time should be increased from twenty-eight hours without food and water to thirty-six hours?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. Do you know, Mr. Mackenzie, that at eighteen miles per hour the average for twenty-eight hours would make five hundred and four miles?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. At fourteen miles an hour for thirty-six hours you make the same number of miles exactly, five hundred and four miles?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. There was some testimony before the committee to the effect, I think, that there was one run which was in the neighborhood of twenty miles or more on the average?

Mr. MACKENZIE. Possibly.

Mr. SMITH. You have testified something about the number of miles between certain points?

Mr. MACKENZIE. Yes, sir.

Mr. SMITH. I will ask the chairman to permit me to insert into the hearings these distances between various points which I collated from the mileage book of the War Department.

The CHAIRMAN. We will give you an opportunity to be heard later.

Mr. SMITH. I merely wanted to know if the committee should see

fit to make a minimum speed limit, having in view a distance of five hundred miles. Do you not think from your experience that would cover most of the runs?

Mr. MACKENZIE. I think it would be physically impossible to make that speed limit.

Mr. RYAN. You do not think it could be done?

Mr. MACKENZIE. No, sir.

Mr. SMITH. Would not five hundred miles cover most of the runs you make?

Mr. MACKENZIE. No, sir. I go a thousand miles. It is six hundred and fifty miles from my principal range to Kansas City, and I can not get any nearer than that.

Mr. SMITH. Is there any stopping point?

Mr. MACKENZIE. Yes, sir; but I do not want to stop if I can help it. It is more inhumane to stop the cattle in transit, take them off, and put them through the agony of having them punched than to send them on to the end of the journey and have them put out of their misery.

Mr. BURKE. Mr. Mackenzie had some resolutions that he wanted to offer, and a letter in connection with his testimony, to have printed in the record in connection with his remarks.

The papers referred to are as follows:

SECRETARY'S OFFICE,
INTERSTATE ASSOCIATION OF LIVE STOCK SANITARY BOARDS.

The following resolution was presented and unanimously adopted at the regular annual meeting of the Interstate Association of Live Stock Sanitary Boards, held at Guthrie, Okla., September 12, 1905:

"Be it resolved, That the Congress of the United States should, in the interest of humane treatment of cattle in transit on railroads, amend the statute now in force concerning such transportation to the effect that calves under six months old be exempted from the time limit; and that the limit of twenty-eight hours for the transportation of cattle, excepting calves, be extended to thirty-six hours, and that said proposed amendment shall provide that in the case of any shipment of cattle where thirty-six hours shall have expired in such transportation, and where the destination of such shipment can be reached in six hours from the expiration of the time limit of thirty-six hours, such shipment may be carried by the transportation company to destination without unloading, provided the shipper, or person in charge, so requests. And provided further, that no shipment of cattle shall be required to be unloaded within twenty-four hours from time of last loading, unless some incident has occurred which will prevent the fulfillment of this order.

S. H. WARD, *Secretary.*

SECRETARY'S OFFICE,
INTERSTATE ASSOCIATION OF LIVE STOCK SANITARY BOARDS,
December 1, 1905.

Mr. S. H. COWAN,
c/o Willard Hotel, Washington, D. C.

DEAR SIR: I have been requested by Hon. M. M. Hankins, of Quanah, Tex., to forward you copy of the resolution passed at the last meeting relative to the time in shipment of cattle.

I have also forwarded you, under separate cover, a copy of our last year's proceedings.

Very truly,

S. H. WARD.

TESTIMONY OF M. W. RANSON, ESQ.

Mr. RANSON was duly sworn by the Chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and business.

Mr. RANSON. M. W. Ranson, Buffalo, N. Y. I am engaged in the live stock commission business. I am president of the East Buffalo Live Stock Association.

The CHAIRMAN. Do you wish to make any statement concerning this proposition?

Mr. RANSON. Mr. Chairman and gentlemen of the committee, I have not come here with the intention of making any extended statement. I have come here with no set speech, no set argument. I have come here to listen, to gain information, and if, in my humble way, I can impart any, I am willing to do so.

The live stock market there in East Buffalo suffers under the provisions of this twenty-eight-hour law, since its enforcement last June. It necessitates the unloading of stock for our market, whereas heretofore it has always come through within the time limit, or, not within the time limit, but within practically the time limit. Since the enforcement of that twenty-eight-hour law our stock is being unloaded once, sometimes twice, and sometimes three times. The reason for that is, not on account of the great distance from the origination of the shipment to its destination, but for the reason that the connecting points, the junction points between different roads and different railroad companies lie where there are no feeding stations.

Mr. RYAN. Do you find that the condition of the cattle or the live stock of the different grades arriving at the Buffalo yards has improved any since the enforcement of the twenty-eight hour law?

Mr. RANSON. No, sir; it has become worse.

Mr. RYAN. You do not believe that the cattle arrive at East Buffalo in as good condition as they did prior to the strict enforcement of the law?

Mr. RANSON. No, sir; neither the cattle nor the sheep nor the hogs.

Mr. RYAN. Can you give us some facts in regard to that—some shipments that you recollect?

Mr. RANSON. Anyone that is at all acquainted with the business knows that in loading and unloading stock there is a great deal of cruelty manifested in the way necessary to get stock out of the cars. You can not unload sheep without you catch hold of one or two and drag them out and pull them out. At night, if they are forced to be unloaded, they are always pushed and jammed around.

Mr. RYAN. How about hogs?

Mr. RANSON. They are driven out of nice comfortable cars, as some of those who have preceded me have stated, and it is true that they do not want to get out. When they are loaded the men that own the hogs, especially, feed from 2 to 4 barrels of corn into the car. That is the last thing that is done before they drag the hogs in. It is put in every car.

Mr. RYAN. With regard to cattle, is it range cattle or fat cattle that are generally shipped to the Buffalo market?

Mr. RANSON. Very few range cattle come through to Buffalo. Most all are stock originating generally in the States of New York,

Pennsylvania, Ohio, Indiana, and some portions of Illinois reached by some of the lines in connection with the Lake Shore and Michigan; those are the principal points from which we receive cattle. I have myself seen train loads of cattle coming through Buffalo, where I will state under oath there were not over three cattle standing up, and the rest of them were lying down quietly, chewing their cuds, and having a good time in the car.

The CHAIRMAN. Are there a good many cattle shipped through Buffalo to Boston or to other north export points from Chicago?

Mr. RANSON. Yes, sir; there are.

The CHAIRMAN. Those cattle, of course, come mostly, I suppose, from Chicago?

Mr. RANSON. A good many of them do.

The CHAIRMAN. They are corn-fed cattle?

Mr. RANSON. Yes, sir.

Mr. RYAN. They are all unloaded at the Buffalo yards?

Mr. RANSON. Yes, sir; and watered and fed there.

Mr. STEVENS of Minnesota. How long, as a rule, are they kept there?

Mr. RANSON. I do not know the number of hours as to what their general rule is, but they have sufficient time to feed and water and rest.

Mr. STEVENS, of Minnesota. They stop long enough to rest, then?

Mr. RANSON. Oh, yes; they do not care so much about that nowadays. Our minimum is different from what it is for the western points. Our minimum is 20,000 pounds, and all above that they are shipped by the hundredweight and not shipped by the carload. They used to ship by carloads. Some of the new roads built 36-foot cars, while the old cars were 28 and 30. In other roads—the Nickel Plate, for instance—when they started in a few years ago, put in 36-foot cars, and they ran very closely in competition with the Lake Shore. They used to say: "Come over on our line, and we will give you regular barnyards to drive your cattle in." That was the system which resulted in a lower rate of freight.

The railroads of the Central Traffic Association fixed their minimum as 20,000 pounds for cattle and 25,000 pounds for hogs, double decked, and 18,000 pounds single decked; and 18,000 pounds for double decked sheep, 14,000 for single decked; and for all overweights, they have a man at each scale to take the weight of all stock, and they are paid for by the hundred, so much per hundred, so that it is not to the interest of the shipper to overload his stock, and he does not do it, except in very rare cases.

Mr. STEVENS, of Minnesota. It does not hurt your cattle to lie down in the car as it does the range cattle?

Mr. RANSON. No, sir; our cattle are a different class of cattle, mostly. I have seen a train load of Chicago cattle lying down in the cars—lots of them.

The CHAIRMAN. You remember the period last summer, or in the fall, when the twenty-eight hour law was being strictly enforced by prosecutions and threats of prosecutions?

Mr. RANSON. Yes, sir.

The CHAIRMAN. Can you inform us whether the cattle coming through the Buffalo market at that time showed the effects of the en-

forcement of that law; and if so, what were the effects, in your judgment?

Mr. RANSON. Well, not having anything to do with those, Mr. Mann, I could not give you an intelligent answer with regard to that.

The CHAIRMAN. What do you handle principally, cattle and hogs?

Mr. RANSON. Cattle, sheep, and hogs our firm handles. I can just remember one car that came in last week, a load of hogs that came in on the road from somewhere in Illinois, and they were unloaded at Logansport and fed, and then at Peru, which is a very short distance, they were unloaded and fed again, and then they ran from Peru to Cleveland, where they were unloaded and fed again, and then they ran to Buffalo, 180 miles.

Mr. RYAN. What condition were they in when they arrived?

Mr. RANSON. The man thought he had lost his hogs before he got his returns from them. He did not know where they were or what had become of them.

The CHAIRMAN. That was an unusual thing, though?

Mr. RANSON. Yes, sir. But here is another question: They come there to Cleveland, and they have seven or eight hours to come on to Buffalo. There is no feeding station between Cleveland and Buffalo, which is a run of 180 miles, and they have only eight hours to run, and they have to take them back and unload them. If this limit was made thirty-six hours instead of twenty-eight they would have plenty of time, and it would not necessitate unloading them at all. The cattle would not be bruised and pounded up as they are when the law is strictly enforced, which necessitates repeated unloadings. Our buyers that buy the stock ask if the cattle have been unloaded. It bruises up the hips of the cattle, and knocks them off.

The CHAIRMAN. You say the buyers ask if the cattle have been unloaded?

Mr. RANSON. Yes.

The CHAIRMAN. What is the effect on the purchase price? Do they pay more or less for them if they have been unloaded?

Mr. RANSON. They pay less when they have been unloaded, because the cattle have more bruises. Going in and out of the cars the cattle rush, and get their hips bruised. They are often standing tail to the door of the car, and they have to be headed around so that some of them can start out, and when they do start they all want to go at once, and they knock their hips and bruise them. You will see the beeves hanging in the market, and on the ribs and shoulders of the beef you will find red marks or bruises that are caused in that way. The more they are loaded and unloaded the worse those bruises are.

The CHAIRMAN. Are these range cattle or corn-fed cattle?

Mr. RANSON. Some corn-fed cattle—that are fed in feed lots—are not as wild as these range cattle, of course, but they are excited, and you have to holler at them and stir them up, or they will not get out of the cars, and when one goes the rest want to go, and too many want to go out at a time.

Mr. BURKE. Is it your experience that cattle that are not unloaded are not, as a rule, bruised much?

Mr. RANSON. Yes, sir; they are not bruised nearly so badly as where they are unloaded.

Mr. STEVENS, of Minnesota. What happens when the cattle have been carried at a great rate of speed? Does that make any difference?

Mr. RANSON. I do not know much about that. We never take that into consideration so much. But I want to mention the question of the cars, what they used to be and what they are to-day. You take the cars of the present day, with their self-couplers, and air brakes and springs, and there is as much difference between them and the old cars that we used to have as there is between night and day.

Mr. RYAN. There has been a great improvement in the car equipment in the last few years?

Mr. RANSON. Yes; it would be like going back to canal boats to go back to the old way. You gentlemen will probably remember how there used to be a long slack in the train; in a train of twenty or thirty cars the slack would amount to a whole car length, which would be taken up with a tremendous jerk all along the line of cars. Now all the cars of a train start and stop at once, just as is the case with passenger trains.

The CHAIRMAN. Is that all that you have to say, Mr. Ranson?

Mr. RANSON. Yes; I am ready to answer any questions that the members of the committee may desire to propound.

The CHAIRMAN. Unless you have something further to offer, there are a great many other gentlemen here who are anxious to be heard.

The CHAIRMAN. Mr. Smith, do you wish to be heard in behalf of the humane society?

Mr. SMITH. No, sir; I have made a computation of distances between certain loading points and unloading points which I will submit to the stenographer after the hearing, if that will satisfy the committee, or I will give it to the committee now.

The CHAIRMAN. I just wanted to know whether you wished to address the committee. Do you know whether there is anyone else who wishes to be heard on behalf of the humane society?

Mr. SMITH. I think not; no, sir.

TESTIMONY OF DR. ORRIN E. DYSON.

Mr. DYSON was duly sworn by the Chairman and testified as follows:

The CHAIRMAN. Where do you live, Doctor?

Mr. DYSON. Chicago.

The CHAIRMAN. What is your business?

Mr. DYSON. At present I am a consulting veterinarian.

The CHAIRMAN. What has been your business in the recent past?

Mr. DYSON. For twelve years and a half I was in charge of the Bureau of Animal Industry at Chicago; not in charge all that time, but for the last five years I was in charge, and I was employed for twelve years.

The CHAIRMAN. That is the Bureau that is conducted by the Government there?

Mr. DYSON. Yes, sir; the meat-inspection department.

The CHAIRMAN. You may make any statement you wish to the committee about this matter.

Mr. DYSON. I have prepared just a short statement in regard to the anatomical and the physiological requirements of the animal in transit.

The CHAIRMAN. From your position in Chicago are you thoroughly acquainted with the condition in which cattle and other stock arrive at the Chicago market?

Mr. DYSON. Yes, sir.

The CHAIRMAN. That was your business?

Mr. DYSON. I supervised the loading and the unloading for years, and have seen a great many of them. I will simply submit this statement, and you may ask any questions covering the points that you may want me to speak about.

The CHAIRMAN. We would rather have you make your statement first.

Mr. DYSON. I think that I could make it quicker by just reading portions of this that I have prepared.

The CHAIRMAN. Very well.

Mr. DYSON. I shall endeavor, without taking but a few minutes of your time, to show the folly and grievous errors enacted into a law at the time of the passage of the 28-hour shipping law, the repeal or amendment to which you now have under consideration.

In the first place the law was the result of a misconceived and misguided sentiment, masquerading under the guise of an effort to prevent cruelty to animals in transit, the agitation and the agitators for the law being under the direction of the owners of stock cars of patented construction, the use of which, to the exclusion of the ordinary cars, being the only object in view.

Had the House Committee previous to the enactment familiarized themselves with the anatomical construction of the digestive apparatus of cattle and sheep, together with the physiological requirements of the animal economy for the period of from thirty-six to forty-eight hours, the law would never have been enacted. That enforcement of the law has operated other than to increase the physical suffering of live stock undergoing shipment there can be no doubt, for the reason that animals subject to the requirements of the law suffer ten times more from bruises and fright necessarily incidental to unloading and reloading every twenty-eight hours than they would if allowed a continuous journey of from thirty-six to forty hours, at which time most shipments en route to live-stock market centers would have reached their destination.

It would seem that all laws should serve some practical purpose. If the enforcement of the twenty-eight hour law has operated other than to increase the suffering of animals in transit I should like to be informed how and in what manner, as no man can distinguish or differentiate between the degree of physical suffering due to want of food and water of animals en route twenty-eight or thirty-six hours.

That the people now demanding enforcement of the law are without a practical knowledge of the live-stock business, and are doing so as a result of misguided sentiment, is without question. That cattle and sheep have four stomachs, with a capacity sufficient to retain sustenance equal to the physical requirements of the animal en route for a period ranging from thirty-six to forty-eight hours has, no doubt, never occurred to them.

It might well be asked to what extent have the people interested in the enforcement of the 28-hour law been instrumental in the development of the live-stock interests of this country, also whether

or not they ever depended upon the live-stock industry for a livelihood.

By the operation of the law, strong and vigorous southern and western cattle, which by nature and environment are enabled to withstand deprivations of food and water for a period of more than thirty-six hours without apparent physical discomfort, are placed in the same class with the native cattle of Illinois and adjacent States, when there is no comparison as regards their physical strength or endurance.

Furthermore, the law prohibits the right of an owner to exercise the same judgment that made him responsible for the ownership of the stock, to determine to any extent as to how they should be handled en route to market. A law might with equal justice be enacted to determine the quantity and quality of food and water supplied upon the range or in feed lots, previous to their delivery to a shipping station.

That by carrying sentiment one step farther, laws might with equal propriety be enacted prohibiting the slaughter of food-producing animals, and at the same time compel the substitution of rice for a meat diet.

It is a well-known fact, and experienced stockmen and shippers will inform you, that cattle ship in better condition when food and water have been withheld for a period of eight to ten hours previous to loading, experience having been a wise teacher. The reason is that time for partial digestion and assimilation has been allowed before subjecting the animals to the exertion and nervous excitement incidentally incurred in transit. Normal digestion and assimilation can only be had under normal conditions.

On the other hand, animals gorged with food and water previous to loading are subject to an increased activity of all vital functions, the natural result of which causes unprepared food to pass into the intestines, thereby causing an irritation which induces diarrhea, the result of which is an excessive elimination of water from the system, in addition to the elimination as a result of an irritation of the kidneys. Who has not experienced the terrible thirst resulting from a feverish condition of the system, induced by excessive purgation, and who can doubt or question the suffering of animals subjected to the control or direction of a class of people who, while operating under the guise of preventing cruelty to animals, have no conception of physical laws or their practical application in the matter of handling live stock from a humanitarian standpoint.

I do not think there is a man living that can differentiate or distinguish between a load of cattle that have been en route twenty-eight or thirty-six hours—that is, judging from the physical condition—and I have seen a great many of them. On the other hand, I have seen hundreds of carloads of cattle when they were unloaded, and have noted their condition, and I have also seen them hanging on the hooks in the packing houses with bruised sides and bruised hips and everything that goes with the unloading.

Mr. STEVENS, of Minnesota. What is the point? That you can differentiate between cattle that have been unloaded one time and three times?

Mr. DYSON. Yes, sir; unquestionably. I saw Nelson Morris ship a train load of cattle from California, and they were prime cattle

when they started, but by the time he got them on the hooks all that he had left was a few rounds and chucks; we condemned most of the plates.

The CHAIRMAN. For what?

Mr. DYSON. On account of bruises.

The CHAIRMAN. And those bruises were caused by what, as far as you can tell?

Mr. DYSON. Why, from unloading, and probably coming in contact with the side doors and things like that.

Mr. BURKE. How many times had they been unloaded?

Mr. DYSON. Four or five times, I think. But you would think from the looks of them that they had been unloaded a dozen times.

Mr. BURKE. How long, in your opinion, would a steer go without feed and water without suffering?

Mr. DYSON. Well, that varies considerably, depending upon whether it is a western steer or whether it is a native. I do not think there is any question but that either would go for a period of forty-eight hours.

The CHAIRMAN. Do you know enough about the human anatomy to be able to say whether a person, a man or woman, can go a considerable time without food and without hunger, under conditions of excitement and nervous tension?

Mr. DYSON. Well, the same thing applies to the animal. I think that under high nervous tension the human would go for almost an indefinite period without suffering for the want of food and water.

The CHAIRMAN. I do not understand.

Mr. DYSON. I say, under high nervous tension I think that the human would go for almost an indefinite period. It would be hard to say, but I do not think two days would be stating it extravagantly.

The CHAIRMAN. Then are animals so constituted from the digestive point of view that they experience the same cause and the same effect from nervous excitement?

Mr. DYSON. Most assuredly. Most assuredly; and especially the western cattle—the western steers. The native steer will lie down in the car. Without any question. I have seen hundreds of cars loaded at the stockyards, and many of the steers would be lying down before the train pulled out.

Mr. STEVENS, of Minnesota. Will not the others tumble over them?

Mr. DYSON. No, sir; they have plenty of room if the cars are loaded at the minimum weight.

Mr. STEVENS, of Minnesota. Do they get excited as they lie down or rise up?

Mr. DYSON. No, sir; they lie down as calmly as they would in their own barnyards; but those are native cattle. You take western steers, and you can not get them down unless you throw them down. Another thing, the western steer does not suffer the same upon shipment as the native steer, because the native steer is heavy, and when you add the weight you increase the spreading of the digits of his toes, and that is what makes him want to lie down more than anything else. The western steer has been used to active exercise and does not carry much weight, and he can easily carry what weight he does carry; consequently, he is enabled to stand up for an indefinite period.

The CHAIRMAN. Is that the reason of the difference between cattle wishing to lie down and horses often sleeping standing up, because of the formation of the foot?

Mr. DYSON. Yes; that is one reason. Another reason is that a horse has what we call a system of "check ligaments," that lock his joints and throw the muscles entirely out of play. There is no strain on the muscles in a horse, and he can stand up for a year. I have kept horses standing up for a year without any apparent physical discomfort.

Mr. STEVENS, of Minnesota. That is not so with a steer?

Mr. DYSON. No, sir.

Mr. STEVENS, of Minnesota. What do you mean by the expression "an indefinite time" that the range steer can stand?

Mr. DYSON. Simply because, as the result of exercise, he has strengthened the tendons and ligaments of the digits; and, another thing, he does not carry the excess of weight that the native steer does.

Mr. STEVENS, of Minnesota. Would not forty-eight hours be a period of suffering for range cattle to stand?

Mr. DYSON. I do not consider it so; no, sir; on account of his nervous temperament. I do not think that he realizes it. You can punch one of those fellows and he will not move, when he is excited.

Mr. STEVENS, of Minnesota. Which would cause greater suffering for forty-eight hours—lack of rest, standing in that way, or thirst or lack of food?

Mr. DYSON. I would say that thirst would cause the greater suffering.

Mr. STEVENS, of Minnesota. You think thirst would cause greater suffering than lack of rest?

Mr. DYSON. Yes; I do not consider that it would be possible for a western steer to rest after he is removed from the range. I do not think he ever has a moment's rest from the time he leaves the range.

The CHAIRMAN. You think he suffers under such a condition of nervous excitement all the time that it is impossible for him to rest; that it is impossible for him to relax?

Mr. DYSON. Yes; and his physical condition is secondary. That is the last thing he ever thinks of.

The CHAIRMAN. What is the digestive apparatus of these animals?

Mr. DYSON. In the first place, the stomach of a steer has a capacity of about 50 gallons. There are four of them, and ordinarily you will find, even after thirty-six to forty-eight hours, a lot of undigested matter in the stomach of a steer.

The CHAIRMAN. How long a time?

Mr. DYSON. Thirty-six to forty-eight hours—just dependent upon the conditions. Under shipment I think you would find a great deal of undigested food in the stomach of a steer. Under normal conditions, if he was in his feed lot, why the digestion would go on much more rapidly.

Mr. STEVENS, of Minnesota. Would there be any or sufficient moisture or water in the stomach to supply the steer for some little time?

Mr. DYSON. Oh, yes.

Mr. STEVENS, of Minnesota. Even though the steer had not been watered for several hours before loading?

Mr. DYSON. Yes, sir. The whole system is saturated with moisture; 70 per cent of it, in fact, is moisture, made up of water.

Mr. STEVENS, of Minnesota. And that becomes exuded in one way or another rapidly?

Mr. DYSON. Yes, sir; it depends entirely on the physical exertion, as a rule.

Mr. STEVENS, of Minnesota. Well, it would depend upon the physical condition of excitement and nervousness?

Mr. DYSON. That would not affect the elimination of the moisture so much as exercise and physical movement.

Mr. STEVENS, of Minnesota. Would it not, in a condition of excitement and nervous tension?

Mr. DYSON. Yes; that would act as a reflex irritation of the kidney. Then you would have an excessive urination, and also you would have, as I remarked, a hurrying through of the food into the bowels without being properly prepared for digestion; that is, if you stuff the animals before you are going to ship them. That is the reason that they should not be stuffed before they are shipped.

I take it for granted that you are all practical men and have, no doubt, had more or less experience with driving horses. Who would consider it an act of kindness to stuff a horse with food and water just previous to starting on a long, hard drive? How far would you expect to go, and what would be the condition of the animal before reaching your point of destination? Such an act would be positively inhuman, and applies with equal force to the shipment of live stock under the operation and by enforcement of the twenty-eight-hour shipping law.

Nelson Morris, who for the past twenty years has been the largest and most successful breeder, feeder, and shipper of cattle in the world, informs me that during the early operation of the law he invariably run his shipments beyond the twenty-eight-hour limit and subjected himself to the penalties incurred. Why should a man subject himself to such penalties had experience not taught him that his cattle arrived at their destination in better physical condition, which largely determines the market price of the live animal or of the carcass upon the block, and no one can question Mr. Morris's judgment when it comes to the practical affairs of live stock or dressed-meat trade.

Misconceived and misguided sentiment should no longer be allowed to obstruct or interfere with rational business methods, and that by all laws of progress and development, and for the general good of all concerned, the present law and Bureau regulations enforcing the same, should be substituted by laws having the indorsement of practical shippers.

Mr. BURKE. At whose instance do you appear here, Doctor?

Mr. DYSON. Well, I might say that I appear from a humanitarian standpoint. It is from my personal interest, in one way. Another thing, I am connected as a consulting veterinarian with some of the packing establishments, and these cattle come in bruised, and things like that, and I am interested in that way.

Mr. BURKE. Is your presence here in any way in the nature of an employment?

Mr. DYSON. Partially so; yes. I have taken an active interest in this. When I was with the Department I received an order to report

violations, and I objected right from the start. I looked at the cattle and saw them unloaded, and I neglected to do so, practically at the expense of my job.

The CHAIRMAN. What do you mean by that, Doctor?

Mr. DYSON. Well, I remonstrated with the Department, and I wrote several letters and all that, and I finally got orders simply to enforce the matter of reporting violations or they would send someone there who would.

The CHAIRMAN. You do not mean you left your position on account of that at all?

Mr. DYSON. No, no. But I went on and reported the violations. I considered it a dead letter. I had been there for twelve years, and it had never been enforced, and when I received this notice I did not pay any attention to it. I did not think anything about it.

The CHAIRMAN. When was this, Doctor?

Mr. DYSON. Why, I do not remember exactly the date.

Mr. RYAN. It was in 1897 some time that it was sent out, was it not?

Mr. DYSON. No, sir; it was a year ago.

The CHAIRMAN. A year ago last fall, was it not?

Mr. DYSON. Yes, sir.

The CHAIRMAN. When were you disconnected from the Department?

Mr. DYSON. Last October.

The CHAIRMAN. You resigned?

Mr. DYSON. Yes, sir.

The CHAIRMAN. Voluntarily?

Mr. DYSON. Yes, sir.

Mr. RANSON. Mr. Chairman, I want to submit one thing that I left out of my statement.

The CHAIRMAN. What is that?

Mr. RANSON. That was this: That our membership there in East Buffalo is about 110 to 115—I do not remember exactly—but that it is the unanimous wish that this Congress extend that law to thirty-six hours from twenty-eight. I probably did not make that clear, but it is the unanimous wish of our association, and I believe every member of it.

Mr. RYAN. You refer to the East Buffalo Live Stock Association?

Mr. RANSON. Yes, sir.

TESTIMONY OF M. K. PARSONS, ESQ.

Mr. PARSONS was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. PARSONS. M. K. Parsons; stock raiser and dealer; Salt Lake City, Utah. I am the manager of the Utah-Colorado Cattle and Improvement Company.

The CHAIRMAN. We will hear any statement that you have to make, Mr. Parsons, on this subject.

Mr. PARSONS. I have been in the stock business, Mr. Chairman and gentlemen of the committee, during all of my business life; sometimes for a year or two not actively connected with it, but always in the

business. For the last fifteen years it has been my only business. We have handled stock west of the Rocky Mountains to the river markets to Chicago and to Montana and to Colorado, where we have our ranches in the State of Colorado.

I will say right now that there is considerable difference between conditions which exist in the far West and in the immediate vicinity of Chicago, and the matter of this 28-hour law affects us differently. As a matter of fact, our stockyards are at terminal points along the lines of the Western railroads—nearly always at junction points or terminal points—ends of divisions—and run from 100 to 150 miles apart. We have found in the operation of this 28-hour law that often we could not get over ten or fifteen hours of a run if the law was strictly enforced, as it was for a while last fall, counting the time of loading and unloading and running time. They came up to a point where they had yards, and it might not be over fifteen hours from the time of starting, and we would have still twelve hours to go, but the railroad companies would arbitrarily say, "We are afraid to tackle this 150-mile division," and we would have to unload.

I have in mind a shipment of sheep that I made to Chicago last year, and they were unloaded five times. I have handled many sheep from the far West to Chicago, and I never in my experience lost as many as I did out of that train. I lost 66 sheep. They were unloaded five times and were ten days between the loading point and Chicago.

In our shipment of cattle from the ranges in the spring my experience has been that if I can put my cattle in condition to go on the cars I would rather they would go alone than not to be put in condition. In other words, I would rather they would go without a shipper than to go with a shipper or two shippers or three shippers, as the case may be, for a train, if they were loaded in bad condition. In saying in bad condition, I mean full of grass or hay and water. Under the twenty-eight-hour law, shippers being anxious to reach the markets, of course if the cattle are unloaded every twenty or twenty-four hours, it will not give the proper rest to the animals that is necessary. They will feed them and water them, however, as the law requires, which will put them in the very worst possible condition for the reloading and for the next shipment. Gentlemen, this is from experience. It is not hearsay. It is from experience.

In 1897 I loaded 8,000 steers at one point for different points running for a distance of 700 to 1,000 miles, without the loss of one single animal in 8,000 head, excepting one which we were obliged to kill because of its having broken its leg. In my experience, it is the man who occasionally ships a car of cattle who is damaged the worst, and who, perhaps, has the most to say about this matter.

I would just call the attention of the gentlemen of the committee to a car shipment that I saw at one time loaded at Colville, Nev. There was a train being loaded there for the river market, and this man had one car of very nice cattle. He was not a shipper; he was a farmer. Somebody told him that he should give those cattle all the grass and water possible before they were loaded, which he proceeded to do. Someone else told him that that was the wrong idea—they told him too late. It was just before the train was about to be loaded, so he thought in order to put them in the best condition that he would exercise them a little, which he did. He got them

exercised all right, but he had three dead cattle before he got out of the yards. That was the result of ignorance, and I think that a great deal of the complaint that we have had has come from the very fact that people do not understand how to handle and how to ship cattle.

I wanted to speak one moment about the matter of the speed limit and its impracticability at the present time. Take the Union Pacific, if you please, gentlemen. They have now 10 trains a day, that is, 5 each way, over the main line of the Union Pacific. You are starting a train of cattle from the far West, and you must at least expect to meet 5 trains and have 5 trains pass you within twenty-four hours. That would make 10 trains. Fifteen minutes at a meeting point I think would be a fair meet. Well, that would be two hundred and fifty minutes, or a little over four hours, which are consumed on side-tracks.

The CHAIRMAN. I do not follow your arithmetic there, Mr. Parsons.

Mr. PARSONS. 150 minutes, I should have said. I beg your pardon.

The CHAIRMAN. If you only meet five trains, that would only be—

Mr. PARSONS. There would be five trains that would pass you also, Mr. Chairman. The passenger trains would pass the stock train at sidings, so that you must figure on ten trains.

The CHAIRMAN. Yes. Do you mean five passenger trains each way?

Mr. PARSONS. Yes, sir.

The CHAIRMAN. Do you not meet some freight trains also?

Mr. PARSONS. Yes. I was coming to that. I am told now that they are handling something like 45 or 50 trains a day on the main line, on the single track; and a fall down in one single train would would mean, perhaps, a fall down on several; and there is where the application of the speed limit would be a failure, it seems to me. Until they can relieve the congestion by a double track, which they are rapidly making, I do not believe a speed limit would be advisable. At that time I would be very much in favor of a speed limit. I consider the most important thing in this whole matter is this five hours' rest, which an inexperienced shipper would take advantage of, under the twenty-eight-hour limit, and put his stock in the very worst possible condition for shipment.

The CHAIRMAN. You are a practical stockman, I believe?

Mr. PARSONS. Yes, sir.

The CHAIRMAN. Cattle become very thirsty, or other stock become very thirsty, and they are taken off and satisfy their thirst by drinking large quantities of water, and then are reloaded. What is the practical effect of that?

Mr. PARSONS. The practical effect at either the first loading or the second or the third is about the same. I have seen cattle loaded when they would be put into the cars, and would be down before we had a train loaded—before we had two or three more cars loaded—from the effect of that. They would be sick from the heat of the bodies of the other cattle, perhaps, and would sink down, and would have to be raised to their feet before the train started.

The CHAIRMAN. Does or does not this excessive drinking of water cause a decided movement on the part of the bowels and the kidneys?

Mr. PARSONS. Very, very much so, especially after they have been loaded once or twice. The more times they are loaded, the worse it is.

The CHAIRMAN. So that the car will become not only filthy but exceedingly wet and slippery?

Mr. PARSONS. The car would become, perhaps, more foul the first time than any other time, because the cattle, coming immediately from the grass, are fuller than at any other time, and the cars get very, very slippery. In the winter time a steer that gets down and lies for any length of time in this slush becomes chilled, and that is about the end of him. You can not do anything with him. If you can get at him immediately and get him up, he is all right; but the trouble is to get him up in those slippery cars, where there is so much water.

Mr. BURKE. To what extent do range cattle eat or drink at these places where they are unloaded?

Mr. PARSONS. Why, they drink very heartily, and sometimes they eat well and sometimes they do not. Sometimes we have very poor hay, and they come off of good grass, and they will not eat until they become very, very hungry.

Mr. BURKE. If the yards are not crowded and are in a dry condition, do the cattle lie down, as a rule? I am speaking of range cattle now.

Mr. PARSONS. They will lie down at night, sir. I do not consider a day rest of any material account at all for range cattle. A night rest, when they are quiet, if there are no trains moving about, is very much more beneficial.

Mr. STEVENS, of Minnesota. What is the western limit from which you ship your cattle to Chicago?

Mr. PARSONS. The western limit?

Mr. STEVENS, of Minnesota. Yes.

Mr. PARSONS. I seldom ship to Chicago.

Mr. STEVENS, of Minnesota. Where do you ship? To Omaha?

Mr. PARSONS. I have shipped from the Willamette Valley, south of Portland, several thousand cattle to the Missouri River; and we handle thousands every year from Oregon and Washington and Idaho.

Mr. STEVENS, of Minnesota. What would be that distance?

Mr. PARSONS. From the Willamette Valley it would be over 2,000 miles to the river and about 2,200 or 2,300 miles to the Missouri River to Omaha.

Mr. STEVENS, of Minnesota. How many days do you calculate would be occupied in such a shipment?

Mr. PARSONS. That is a question that is very hard to answer. It would vary very materially. We have recently had a run of about 500 or 450 miles.

Mr. STEVENS, of Minnesota. About how long would you calculate to give your cattle before resting them, if you had your way, for the best advantage of the cattle?

Mr. PARSONS. If they were loaded under the best conditions I would run them for a distance of 500 miles, but if the condition of the cattle was not to my satisfaction I would make a short run. I will give you an instance. I loaded 2,000 cattle at a point about 250 miles south of Salt Lake City. They had come off a desert drive of 25 miles without water, and there was not enough water at the station to water a toad, not enough there to feed a grasshopper, and the cattle were very, very uneasy. So we made up our minds that the best thing we could

do would be to get them out. That was about the first time that I ever noticed that it was not to feed cattle to go on the cars to get the best results. The nearest feed and water was Salt Lake, a run of fifteen or eighteen hours. The cars were dry, and there was not a steer down in the 2,000 head when they came in, and the cattle were in fine shape. That taught me a lesson which I always have remembered.

Mr. STEVENS, of Minnesota. Can you arrange with the railroad companies as a rule to have the unloading and feeding, or whatever you wish, done as you want it?

Mr. PARSONS. Yes, sir; almost always. Not always, but almost always.

Mr. STEVENS, of Minnesota. They consult you, then, whenever it is practicable?

Mr. PARSONS. They do, sir.

Mr. STEVENS, of Minnesota. Under those circumstances, what length of time do you calculate would be best for the wild-range cattle to remain on the car, to the best advantage of the cattle?

Mr. PARSONS. I think that it would make a difference whether they were spring cattle or fall cattle. In the spring, cattle are naturally weak, especially after the first green grass comes, and you can not keep them on their feet as long as you can in the fall. It will not do to handle them the same way you would in the fall, when they are fat, and the feed is dry. But I have never had any trouble in feeding them and running them from thirty to thirty-four and thirty-six hours. I do not believe in running them longer than thirty-six hours, although I have run them for forty-two and forty-five hours. But I do not believe it is good policy, and I never have done it but once or twice in my life, and that is when I was compelled to.

Mr. STEPHENS, of Texas. What would you think of a law that would make the limit as it now is—twenty-eight hours—with the right to let them remain as much as thirty-six hours on the cars at the written request of the owner? Would that be satisfactory?

Mr. PARSONS. That is exactly what I think should be done. There are times when a person does not want his cattle to remain in the cars over twenty hours, perhaps, or, as I have said, perhaps not over fifteen or eighteen hours.

Mr. BURKE. The railroads do not require you to keep them on twenty-eight hours if you want to take them off, do they?

Mr. PARSONS. If I want to unload my cattle it is their duty, and they have always recognized it, to let me do it at the first side track where they have unloading chutes; to let me unload them and get them in shape.

Mr. BURKE. And that rule is generally observed?

Mr. PARSONS. Yes, sir.

The CHAIRMAN. Is that all that you have to say to the committee?

Mr. PARSONS. Yes; except that I wish to file the following letter as a part of my testimony:

SALT LAKE CITY, UTAH, *February 15, 1906.*

Hon. M. K. PARSONS,
Salt Lake City, Utah.

DEAR SIR: The present 28-hour limit law compels stock to be unloaded after it has been aboard cars twenty-eight hours, and often causes severe suffering for live stock and heavy financial loss to the shippers.

During the season of 1905 I shipped thousands of cars of sheep and cattle from western ranges to eastern markets. The reports of the men in charge of these shipments show, almost without exception, that the stock suffered severely en route through the enforcement of the 28-hour limit law. They were often compelled to unload at stations where there were absolutely no facilities for feeding, watering, or unloading and loading stock.

Last July we loaded a train of choice fat lambs near Weiser, Idaho. Under the 28-hour limit law we were compelled to unload them on the Snake River desert with practically no accommodations in the way of grazing, water, or shade. The lambs stood around in the sweltering heat for a while, and then we reloaded them and ran them a short distance to Soda Springs, Idaho, where we had pasture, shade, and water. These lambs not only received no benefit through being unloaded on the desert, but were punished severely and shrunk a great deal in weight through the jamming and sweltering in unloading, loading, and standing around in the hot sun. Had we been permitted to run thirty-six hours the lambs would easily have reached Soda Springs, Idaho, where we had made preparation to care for them, and they would not have been subjected to the severe punishment they underwent through the enforcement of the twenty-eight-hour law.

All of our shipments were unloaded at Laramie, Wyo., to graze, and shippers with stock for Omaha and Chicago were instructed to run from Laramie to Valley, Nebr., to graze. In a large number of instances the shipments would not make Valley within the twenty-eight-hour limit and the railroad people would stop the shipment at Grand Island or some other point in that vicinity where there were no feeding or watering facilities. Usually these delayed shipments would reach Grand Island in the night, and as it is impossible to unload sheep in the night they would remain on the cars until daylight. Were they permitted to run until daylight, they would have had ample time to reach a desirable grazing point and the sheep would have fared much better with the cars in motion than they did standing in the freight yards at Grand Island, waiting for daylight. The accommodations at Grand Island are very poor, and when compelled to unload there we always loaded out just as soon as we could do so, and after a few hours' run unload at some point where we could graze and care for the sheep properly.

The above are the conditions as they were along the Union Pacific last season. They were practically the same over the other roads.

No one is more interested in having live stock properly handled while en route than the owners, for the reason that stock which is not fed, watered, and handled properly while en route arrives at the market in bad condition and shrunk in weight and will not command as high a price as stock in good condition, and will not weigh as much. Furthermore, no one is in better position to judge whether twenty-eight or thirty-six hour runs are best for live stock than the men who are in the live stock shipping business, and I know of no stockman who does not feel that the twenty-eight-hour limit causes cruelty, hardship, and privation for live stock and a financial loss for the stockman as well as for the railroad companies to whom the extra unloading and loading means extra expense.

The chief object of the twenty-eight-hour law, as I understand the matter, is to prevent cruelty to animals. One of the main results of the enforcement of this law has been cruelty to animals—the very thing the law aims to prevent.

During the season of 1905, several shipments of choice fat lambs and sheep which we made from western ranges were subjected to so much starvation and other forms of punishment through the enforcement of the twenty-eight-hour-limit law, that by the time they reached the eastern markets they were so badly shrunk and in such poor condition generally, that they were unfit for butcher purposes and were sold for feeders, resulting in a heavy financial loss for us.

Any measure which will permit us to ship our stock without abusing it as we were compelled to last season has my hearty support, and I trust some such measure will become a law soon.

Yours, very truly,

B. F. SAUNDERS.

Mr. Saunders shipped over 1,000 cars in 1905.

M. K. PARSONS.

TESTIMONY OF A. J. KNOLLIN, ESQ.

Mr. KNOLLIN was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. KNOLLIN. A. J. Knollin; Chicago, Ill.; stock grower and handler and dealer and commission merchant, depending principally on stock growing and dealing for livelihood and profit.

The CHAIRMAN. What class of stock do you raise mostly?

Mr. KNOLLIN. Sheep, mostly.

The CHAIRMAN. Will you tell us what the effect of the present law is, and what would be the effect of the proposed change in the law?

Mr. KNOLLIN. With others, I was sent by the National Wool Growers' Association, and was instructed by the association to say that we were a unit in stating that the twenty-eight-hour limit law was working great hardship upon us; that it defeated the purpose for which it was originally drafted; that it worked hardship on our stock, instead of eliminating it.

It is facts that you want, and having, I might say, a very large personal experience covering a great many years, having been raised in this business, I was selected by the Wool Growers' Association, which has a membership of 1,500, so that we could not all come. I was delegated, not for my ability to argue the point, but from the fact that I have had personal experience in shipping sheep principally extensively.

One of the important points that I wanted to cover has been so thoroughly covered by Doctor Dyson that I will only pass that by saying this: That in going with stock trains myself, being with them for six days from the far West, I have noticed that sheep will go thirty-six to forty-eight hours without apparently showing any sign of hunger. A sheep is a ruminating animal, and as long as it can chew its cud I take it that it is absorbing nutriment in the stomach. That point has been brought out so clearly that I will just say that from practical experience and observation I agree with every word that Doctor Dyson said on that point.

I wanted to speak just to inform Mr. Whitehead with reference to the way we generally handle our shipments of sheep in the far West, before loading.

The CHAIRMAN. We would a great deal rather have you inform the committee about something.

Mr. KNOLLIN. This is for the information of Mr. Whitehead and the committee. We have found, and experience has taught us, that it will not do to load sheep that are filled. Our shipments from the West are made principally in the summer time. In the case of shipments made largely in September and October, it is customary to order our cars for daylight. The sheep are brought up to the pens the night before, grazed up to the pen, and watered, and probably yarded by 9 o'clock or 8 o'clock, and we start loading at daylight in the morning. Experience has taught us that sheep will load better when they are handled in that way than if we undertook to load them full in the evening, or undertook to load them in the heat of the day, which is sometimes impossible.

With reference to the 28-hour limit law injuring the sheep business east of the Mississippi River, I want to say that out of Chicago and Kansas City, Omaha, and St. Joseph, there were probably nearly a million sheep and lambs bought for feeding purposes by Ohio, New York and Michigan farmers. These sheep go out of Chicago, for instance, on a main line of railway, but they must be taken up a branch line to their destination. It is impossible for the roads to take the sheep through in twenty-eight hours, but in thirty-six hours they can nearly always be landed at home, where everything is well prepared to take care of them. So that the National Wool Growers Association, made up of sheep men from all over the country, are unanimous in condemning the present law.

With reference to shipping lambs: Lambs are shipped out of the far West in train lots, and they are shipped usually in the fall, about the natural weaning time. They are brought with their mothers as near to the shipping point as practicable, and cut away and loaded into the cars, and they act a good deal when they are first loaded as they would when they were first taken away from their mothers when we were keeping them on the range and just weaning them. They run about and are uneasy. I have unloaded many trains where I know there would not be one-half of 1 per cent that would touch a drop of water. They had been used to tender feed up in the mountains, and when they got down to the plains, where at that time of the year feed has dried up, they will run about, and they will not eat; and it will take ten men and ten dogs to hold a train-load of lambs together and keep them from scattering all over. They know nothing about eating dry hay. I do not believe the suffering of lambs in transit is greater if they could be rushed through in thirty-six hours, or even longer. I do not think they suffer more than they do at weaning time, when we have that same trouble about feeding them.

The CHAIRMAN. From how far west do they ship lambs to the eastern market?

Mr. KNOLLIN. From Washington and Oregon.

The CHAIRMAN. How far east do they ship lambs from Washington and Idaho?

Mr. KNOLLIN. I know of cases where they were shipped as far east as Chicago from Washington, and then sold to Michigan feeders and reshipped through to Chicago.

The CHAIRMAN. During all that shipment the lambs do not eat or drink? Is that your statement?

Mr. KNOLLIN. After four or five days they will eat; and I will say in that connection that shipments of lambs are never sent clear through from the range right on to the market.

The CHAIRMAN. That is what I was trying to find out.

Mr. KNOLLIN. They are brought down, in the case of the river markets, to points near the stockyards, and in the case of the Chicago market the same applies. As we get farther east a different condition prevails. We have different grass. It is generally green.

The CHAIRMAN. Where do you ship lambs from?

Mr. KNOLLIN. Principally from Idaho and New Mexico.

The CHAIRMAN. And where do you ship them to from the ranges in Idaho?

Mr. KNOLLIN. I will say in that connection that I have shipped on an average for a good many years 2,000 carloads of sheep and lambs a year from the West, and they have been about evenly divided between the different markets.

The CHAIRMAN. Well, for instance, where do you ship any lambs to in the East from the ranges? Where do the lambs go to?

Mr. KNOLLIN. The final destination, you mean?

The CHAIRMAN. No; direct from the range.

Mr. KNOLLIN. Direct from the range they go to Omaha, St. Joe, Kansas City, and Chicago. They are the principal markets.

The CHAIRMAN. How long does it take to get to Omaha?

Mr. KNOLLIN. That depends on the run we get. We used to come through to Omaha from Idaho with two stops, one at Laramie and one nearer Omaha—Fremont and Valley.

The CHAIRMAN. Do the lambs eat or drink any at those places?

Mr. KNOLLIN. They generally eat and drink very little at Laramie, but when we get down to Valley, where the grass is tender, they will fill up. They are generally held there for forty-eight hours, and sometimes longer, in order to rest them and fill them up.

The CHAIRMAN. You turn them out and herd them?

Mr. KNOLLIN. Yes, sir. In the last year, under the working of the twenty-eight-hour law, we have had cases where shipments have been stopped five times before they got to the Missouri River market, and where they were twice as long in making the trip as they had been years previous.

The CHAIRMAN. At these places where they stopped under those conditions, was there grass upon which they could be turned out?

Mr. KNOLLIN. At Laramie the grass at that time of the year is generally dry and they do not care for it. They are taken away from their mothers and they will eat very little. They scatter all over, but they will not eat much. But when we get down to Valley they will usually settle down and fill up well, because there the conditions are different. There is more rain in the eastern country, and the grass is usually green at that time of the year, and the lambs will fill up on it.

The CHAIRMAN. You have referred to two places. I mean at all of these places where you had to turn out the lambs five times when the law was being enforced, was there an opportunity for the lambs to be turned out upon the grass?

Mr. KNOLLIN. I have some letters here that were written by men that were with sheep themselves. They were not written expecting to be used here, but for the purpose of making claims against the railroad, and I would like to read these letters, which will cover that point fully.

The CHAIRMAN. I would rather have your own opinion, if you have any. If you have not, it is easy to say so.

Mr. KNOLLIN. I will cite a case of a train of sheep sent in to Montpelier, Idaho, because they did not have time to make Laramie or any other point with them where there was any accommodations for handling them; and they stayed in the cars for seventeen hours. They were unloaded there with only a few pens, that would not accommodate the sheep. And after holding them a short time, without any attempt being made to feed them, because there was no accommo-

dation there to feed them, they were loaded up and sent on down to Laramie, and there unloaded. I could cite a great many cases of that kind.

- We had hundreds and hundreds of cars of sheep all last year that were piled into Grand Island, simply because they could not make Valley or Fremont, where the accommodations were especially adapted for handling sheep, and where there were thousands of acres of pastures, and where the grass was green and there was running water; and the sheep would have gone on if they could have had four or five hours longer to a place where they could have been well cared for.

I have papers here which I want to file with the committee which will show that at Grand Island there were 226 sheep and lambs per acre for the pasture they had to accommodate them at one time. That matter has been taken up repeatedly with the officials of the Union Pacific Railway, and they say that they had no other pasturage facilities on their line available, so that they could arrange for properly handling the sheep under this twenty-eight hour limit ruling; that it would be impossible for them to get natural pasturage. And Mr. Giddings stated in his previous hearing that we did not care to take their word for it altogether, and a committee of wool growers was appointed and went over the road with the officials and found that that was true to a great extent. The conditions, as far as the grass is concerned in the far West, through Wyoming, are entirely different from what they are in the East. In Wyoming they have a State law with reference to quarantine of sheep from other States, and we are only allowed to unload and go out on the range at one point, at Laramie; so that if sheep are caught in that State before they reach Laramie, they are obliged to be held in the trains.

Lambs will never touch hay on the first run, when they are shipped in the summer time off of green fields. In connection with that I will say that a large percentage of the range sheep are accustomed to going forty-eight hours or longer without water. Water is scarce in many localities, and sheep will be grazed all day out from water, and camp one day out there, and the next day they will be grazed on still further, and the next day they will come back to that camping point, and the next day to the water. I have known of cases where they would be out for a week without water. They become accustomed to it and thrive while being handled that way. We handle sheep in the mountains where water is abundant, when they can get water every day if they want it, and they will seldom touch it. At that time the grass is succulent, filled with water, and they do not care for it. I do not think sheep suffer for the lack of water for thirty-six or forty-eight hours. In fact, I know they will not drink it after the first run.

In connection with the running of stock trains, in speaking of the customary way to handle sheep, a man that has handled a great number of them has learned that on the first run he wants to ask for a slow run. I have always done that when I have been with my sheep. I have seen to it that the first run did not exceed, perhaps, 12 or 15 miles an hour. And within two hours or three hours after we started we stopped and looked our train over, and after that is done twice, then we seldom have any need of leaving the caboose

to go to look at our sheep. They get accustomed to the cars and to the motion of the train, and in a great many cases they lie down. I have seen as many as a half of a car of lambs lying down after they have been on the road three or four hours.

Mr. STEPHENS, of Texas. In your experience as a shipper, have you found it any harder on the sheep to load and unload them at night than in the daytime?

Mr. KNOLLIN. It is absolutely impossible to unload them at night. I have a letter in my pocket with reference to the unloading of a train of sheep, at Montpelier, which I will file here with the committee, that I spoke of before. The sheep got into Montpelier, as I think the paper will show, at 5 o'clock. It was not a regular feeding station, and they have but two chutes there, and I think four pens that would probably accommodate ten cars of sheep. The train of sheep had been stopped previous to this, and, as Mr. Reeves, of the short line, has advised in a letter that I will file, they supposed that these sheep would be out of the way at Montpelier before this other train got in there; but in loading them up in the heat of the day, it took several hours longer than they expected to load them, and the other train got in there. They were using the chutes, and the sheep were held on the sidetrack until after the Japanese section men came in and had their supper. Then they went out and worked for quite a while, and pulled out about two cars of these sheep, by main force, and then gave it up and let the rest of the train stand there until morning.

The CHAIRMAN. Is it a common thing for sheep to eat wool off each other's backs?

Mr. KNOLLIN. I have seen shipments of sheep that were greatly abused en route, and I will say that I advocate a law that would not permit of running sheep over thirty-six hours. If they have been kept on the cars say forty or fifty hours, they will get hungry and eat the wool off each other's backs. I have found that the reason they start to do this is in starting, in the first place, to eat the paint that has been used for branding the sheep. We brand usually with a mixture of lampblack, linseed oil, and flour. We have found that that mark will readily wash out from the wool in the hands of the manufacturer and it holds well. The sheep will get to picking at that and get a little of that off, and that seems to start them to eat the wool, and they will eat quite a lot of it when they once get started. I will say, though, that it is exceptional and you seldom see cases of that kind, although I have seen it. You never see that happen in the summer time, but only in the winter, when the trains are badly delayed.

The CHAIRMAN. Is that all that you have to say to the committee, Mr. Knollin?

Mr. KNOLLIN. With reference to the running of sheep, I wanted to say in regard to the selling of the sheep in the market that have had these runs, that I made the statement to a railroad man that I would make affidavit that the loss to the sheep would be 50 cents a head on trains of sheep, owing to the delay in transit. I know the difference, because we do have some shipments that go through in good time. We had one shipment last year of 20 cars from Soda Springs to Laramie in twenty-six hours; from Laramie to Valley in

twenty-seven hours; from Valley to Lincoln in twenty-one and one-half hours—seventy-four and one-half hours for 1,500 miles, or about 20 miles an hour. That shipment of lambs came through in splendid condition and sold to the packers readily. I have had other shipments come through that would be so worn out and dragged out that the feeders would hardly buy them. They would say that the life was taken out of them. The buyer would put his hand on them and say, "They are dried out and gone to pieces; we can not use them." And the feeders would be poor buyers for the sheep, because it would take them two or three weeks to recuperate.

The CHAIRMAN. What was the matter with them? Were they affected by this law?

Mr. KNOLLIN. Yes. The trouble was that they had been unloaded too many times. I have handled sheep before this law was enforced for years, and since, and I have known of a great many instances of that kind.

Mr. RYAN. You had not had this trouble prior to the enforcement of this law, do you mean?

Mr. KNOLLIN. Oh, we have had a great many delays, but never so much of this trouble. Before the strict enforcement of the law, we never had ten per cent of the trouble that we have had since.

In connection with the handling of sheep over the roads, I want to say to you gentlemen that the stockmen, and this applies to the cattle shipper as well as the sheep shipper, are making every effort in the world to have an improvement of service over the railroads. I think that the railroad managers are making every effort that they possibly can to give us better service. They have assured us that they will give us better service, and the service on the western roads at present is 75 per cent better than it was 20 years ago, when I was shipping sheep at that time. The cars are much larger, roomier, the air-brake is applied to each car in the train at the same time, so that they are handled smoother, and the railroad men that handle these trains are trained to handle stock cars, where years ago they did not seem to care how much they tossed them about.

The stock business has increased so fast in the West and grown so fast in the matter of sheep that from 1884 up to the present time there has been an increase of the marketing of sheep of from about one million to nearly nine million head in the principal markets of the West. The railroads have not previously seemed to realize how rapidly this business was being developed, but they do now, and I think that we shall see a marked improvement in the service every year. In the meantime, the sheep shippers are a unit in wanting this time extended from 28 to 36 hours. We know positively that the 28-hour limit law has damaged us to the extent of thousands and thousands of dollars.

(The letters referred to by Mr. Knollin in the course of his testimony are as follows:)

HAILEY, IDAHO, *July 23, 1905.*

Started at 2.00 o'clock p. m. with bad engine in need of repairs, which caused delay all along the line. Delay at Pocatello one hour and a half on sidetrack. Arrived in Montpelier three-thirty (3.30) o'clock p. m., 24th; stood on sidetrack from before said time until eight (8.00) o'clock a. m., 25th, before unloading to feed. Was delayed two hours and a half at Cheyenne, July 27th. Left Laramie 27th at 10.00 p. m. Arrived at Grand Island 27th, 7.00 p. m. Forced to unload

and to feed at Grand Island instead of Valley as billed. Finished loading at Grand Island 9.00 p. m., 28th, and was delayed in yards until 11.15 p. m., 28th.

Loss at Bellevue when we could have gone on a sheep train.....	7 hrs.
Loss at Pocatello.....	1½ hrs.
Loss at Montpelier.....	17 hrs.
Loss at Cheyenne.....	2½ hrs.
Loss at Grand Island.....	2½ hrs.

Total.....	30½ hrs.
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We, the undersigned believe by loss of time has shrunk our thirty-three cars of sheep to the amount of \$150.00 per car.

(Signed)

J. J. GRAY.

A. CHADWICK.

C. H. BATTY & Co.

Witnesses:

C. D. EVANS.

I. H. DAY.

JOHN FLEMING.

W. TINDLAY.

N. G. WERRY.

[In reply, please refer to claims
62045-6-7-8.]

SALT LAKE CITY, UTAH, December 13, 1905.

THE KNOLLIN SHEEP COMMISSION COMPANY,
Union Stock Yards, Chicago, Ills.

GENTLEMEN: The above numbers refer to claims filed by you, favor of J. J. Gray, A. Chadwick, and Gray & Chadwick, for \$903.14, \$791.37, and \$524.70, alleged shrinkage on 28 cars of sheep from Bellevue, destined to Chicago, their complaint being based on improper handling at Montpelier, where stock was unloaded for feeding. We have given this a very careful investigation, the result of which beg to submit herewith.

When this shipment arrived at Soda Springs, conductor advised party in charge that it would be necessary to unload at that point on account of yards at Montpelier being full. This, however, the stock men would not listen to, and insisted on being run through to Montpelier, making the statement "take us to Montpelier and we will look after the sheep." They informed the conductor that if attempt was made to unload the stock at Soda Springs it would be turned over to the company and they would have nothing to do with it.

This information the conductor wired to the chief dispatcher, and the latter, learning that 25 cars were loading out of Montpelier, figured that in all probability they would be out of the way by the time this shipment arrived, and as there was plenty of time to make the run within the limit, permitted the conductor to take your shipment through.

At 1.30 p. m., July 24th, the 25-car shipment started to load and under ordinary circumstances would have been loaded and out of the way before the arrival of your cars, but unfortunately soon after this loading was started a violent wind and sand storm came up, during which it was an utter impossibility to load the stock, and it was not until after 8.00 p. m. that the storm subsided sufficiently so that loading could be finished. Consequently your shipment could not be unloaded, as the former filled the yards and all available space outside the yards.

However, as soon as loading was completed, the train master, with gang of Japs and employees of the stock yards, used every possible means to unload your shipment, but it was simply impossible to do so, as the sheep had to be carried out and held or they would run back into the cars. By 8.30 it was cloudy and quite dark, and as you know, sheep can not be unloaded at such a time; consequently it was found necessary to hold them over until the next morning.

This, of course, was quite unfortunate, but the cause, as you will see, was something that was not within our power to prevent, and therefore must respectfully decline to further entertain the claims, and am sure, with the above explanation, you will readily recognize the justness of our position and withdraw the account.

The account sales submitted with your letters returned herewith, we having closed our records.

Yours, truly,

J. A. REEVES.

(Copy.)

CHICAGO, July 5, 1905.

MR. C. J. LANE, A. G. F. A., Omaha, Nebr.

DEAR SIR: What are we going to do about the 28-hour law? I do not think I fully understand this law; just what way the Government has taken hold of it and under what department it is handled. It seems to me the shippers and the railroad people should take some concerted action with reference to eliminating the abuses that exist.

As an illustration, we have just handled a train of twenty-three cars of sheep. They reached Grand Island at six o'clock in the evening, having been on the cars 24 hours. Four hours of the 28-hour limit was not considered time enough to take them to Valley or Fremont, and as it was raining very heavy, the sheep could not be unloaded before dark, consequently remained in cars over night. It was raining heavy in the morning again, and the sheep were not unloaded until 9 o'clock. The owner, Mr. J. F. Skillern, was with the shipment and begged the agent at Grand Island to let the sheep run through to Valley. He was obdurate and would not even take the matter up with his superiors; said he had positive orders.

Now, it does seem, Mr. Lane, as if such abuses as this could be remedied if the matter was taken up with the right party in the right way. Can you make any suggestions?

Yours truly,

THE KNOLLIN SHEEP COMMISSION CO.
By A. J. KNOLLIN.

OMAHA, August 6, 1905.

DEAR MR. KNOLLIN: The attached clipping tells the whole story about the twenty-eight hour limit and what we are up against. We were reminded of this matter by our Washington attorney several months ago, and every dispatcher on this railroad was instructed under no circumstances to exceed the twenty-eight hour limit or to try to make a butterfly run and take chance of scratching in at the next feeding point, and if he did not have ample time to make the next available feeding point to lay back, even if he had not been out over twenty or twenty-two hours, as we are told that to exceed the twenty-eight hours by five minutes is as bad as five hours, and the railroad I work for will not take any chance whatever of exceeding the twenty-eight hour limit.

All the arguments of your letter of the 5th have been set up and sent to Washington repeatedly, trying to show the authorities there the absurdity of perfunctorily going through the performance of unloading sheep at a point where they can not be cared for, and the only reply we get back is "Obey the law." No official in Washington has any authority to change its provisions. Congress alone will have to do it, so we have organized all of our Representatives and will bring to bear all the influence we can to get, at least, relaxation enough so we can run through to a grazing point, especially for sheep, where they can be comfortably cared for, filled, as well as rested, and watered.

I understand this is the position taken by all lines operating in the territory west of Chicago. Was talking with a general manager of one of the Chicago leading lines Monday here. He said his railroad was going to obey the law literally and fearlessly, regardless of the protests of its patrons.

Under favorable conditions we can make the run, first to Laramie, where ample grazing facilities have been provided, and then, if everything goes right, we can get to Fremont or Valley for the next stop. But everything has to go right to do that, and when we can not, there is nothing left for us to do but to unload at Grand Isle.

Would thank you to return this slip, if you will, after noting. It was taken from the Minneapolis Journal of July 1. The Government has been peppering us with their warning publications on this point for several months.

Yours truly,

(Signed)

C. J. LANE.

MR. A. J. KNOLLIN,
U. S. Yards, Chicago, Ill.

(Copy.)

CHICAGO, July 7, 1905.

MR. C. J. LANE, A. G. F. A.,
Omaha, Nebr.

MY DEAR MR. LANE: I herewith return the clipping you requested. Have noted your letter. I presume it will take a little while to bring about a change from the conditions which are at present working a hardship upon the shippers. In the meantime, we must have unbounded faith that the law, being in a good cause and having for its purpose the remedying of evils that exist, will undoubtedly be amended so that it will accomplish the purpose intended.

Yours, truly,

(Signed)

A. J. KNOLLIN.

AUGUST 17, 1905.

HON. JAMES WILSON,
Secretary of Agriculture,
Transit House, Chicago.

DEAR SIR: In view of the strong language used by you, as quoted in yesterday's papers, with reference to the 28-hour limit law being elastic enough to permit of railroads running stock over the time limit provided, if it was necessary in order to reach suitable feeding places, beg to submit herewith correspondence with Mr. C. J. Lane, first assistant general freight agent of the Union Pacific Railroad, bearing on a very aggravated case of delay, which I brought to Mr. Lane's attention under date of July 5, 1905.

If you will note Mr. Lane's letter carefully, you will undoubtedly conclude that he is laboring under a wrong impression with reference to the requirements of your Department in regard to carrying out the 28-hour limit law.

The holding of the Skillern shipment of sheep at Grand Island in the cars fifteen hours, they then being obliged to unload and feed where the facilities were inadequate, both for grazing and water, was such an aggravated case that I personally called upon Mr. Lane immediately after receiving his letter of July 6th. Mr. Lane declared that everything possible on the part of the railroad company was being done to properly care for shipments at feeding stations, stating, however, that it would be impossible for them to establish enough adequate grazing stations on the line of the Union Pacific to meet the "twenty-eight hour limit law" requirements, as there were no natural grazing points on their line available.

Yours, very respectfully,

UNION STOCK YARDS, CHICAGO, September 14, 1905.

MR. A. J. KNOLLIN,
Union Stock Yards, Chicago.

DEAR SIR: We commenced loading at Laramie on the 9th at 3.40 p. m. and left at 6.15 p. m. In Cheyenne we stayed over two hours and stopped at Brady Island one hour and forty minutets, and different other places between there and Grand Island. We arrived at Grand Island at 10.10. They claimed there that the time limit was up and said that we would have to stop there and feed. They stated that they had twenty-eight cars of sheep there already ahead of ours to unload before we could unload ours and that it would be morning before we could get unloaded. We asked the night yard master and insisted upon his letting us go on where we were billed to feed, Valley, Nebraska, being informed by other parties that were at Grand Island that there was no feed there for sheep. We begged the yard master to let us go on to where we could get feed, but he says that it was a Government law that we should not run over our limit and said that we would have to stop there and feed anyway, so the sheep were sidetracked there and stayed on the cars from the time we arrived there until 8.45 before they were unloaded.

It was 11.30 a. m. next morning before they saw to the feed, and a bunch of my sheep that I wanted fed hay were crowded into a cattle pen where it was not fit for anything to go. The water troughs were so high that the sheep could not drink out of them, and I almost had to fight to get them out of there. The Government inspector, John Vincent De Laney, came along, and I told him

the way they were handling my sheep, and he helped me get them out of there and into a pasture where there was a little water. We wanted to get out of there and get where there was feed as soon as possible, and we commenced reloading at 3.50, finished at 6.30, and left there at 8.40. We started for Valley, but were delayed unnecessarily, I think, a number of places, finally arriving at Valley at 4.10 in the morning, and were sidetracked there until 8.30 before they put us up to the chutes, where we could unload the sheep there. We had men there all the time to take care of the sheep. We left Valley and started for Lindenwood at 4. They commenced loading early in the evening, and we arrived at Council Bluffs at 7.40. We claim that the cause for so many of our sheep dying was on account of the delays and poor service we encountered. It is the Union Pacific Ry. and not the C. G. W. that we are complaining about. The C. G. W. treated us all right. We lost 35 head of sheep on account of the treatment they gave us.

MUMFORD BROS., *Salt Lake, Utah.*

UNION STOCK YARDS,
Chicago, November 15, 1905.

Mr. A. J. KNOLLIN,
Chicago, Ill.

DEAR SIR: I loaded 8 cars fat lambs and wethers at Honeyville, Utah, Oct. 31st, 1905, at 4 p. m., billed from myself and brothers to me, billed to Chicago, via Omaha.

We arrived at Green River at 2 p. m. November 1st. We were held up four hours on the sidetrack before unloading. The yardman claimed the switches were blocked with cars. We intended to go on, but were told at last that it would be necessary to unload. We loaded out of Green River at 11 a. m. Nov. 2nd; arrived at Cheyenne Nov. 3rd at 4 p. m. Loaded out at 10 a. m., Nov. 4th.

We were held up at a station about 30 miles from Grand Island about three or four hours while they were unloading 28 cars of cattle at a single chute. They used our engine for switching these cattle cars. There was a work train around there all the time, the engine of which did not appear to be busy. I wired the chief dispatcher at Grand Island that he must move our stock or arrange to have it turned over to the Union Pacific. I got no answer. They took their time about moving us out. We arrived at Grand Island at 9.30 p. m., Nov. 5th.

They ran our sheep onto the sidetrack and told us we might as well go, as the tracks were blocked and they would be unable to have them unloaded for a couple of hours. They agreed to have the sheep unloaded just as soon as they could get to the yards. When we came back next morning they were just unloading the sheep, at 8 a. m., Nov. 6th.

I figure that our sheep were on the cars a little more than 100 hours from Honeyville to Grand Island.

Dr. Rowe inspected our wethers and lambs at Honeyville, Utah, at the time they were loaded and it was his opinion that they would make good killers on the market. He figured that they would net us \$4.50 per head at Honeyville. You know what they did, and can see how much we were damaged. On account of the poor runs by the Union Pacific, east of Granger, particularly, we arrived in Chicago eight days later than Mr. Ira Tuttle advised we could with reasonable runs. In the mean time, the market declined decidedly.

I wish you would figure up the damage and file a claim for it, sending me a copy of it, and if you can not collect it, I think I can.

Yours, very truly,

BEN HUNSAKER.

The above is correct
H. P. HUNSAKER.

AUGUST 17, 1905.

HON. JAMES WILSON,
*Secretary of Agriculture,
Transit House, U. S. Yards, Chicago.*

DEAR SIR: Herewith telegrams from H. W. Prickett, traveling live-stock agent for the St. J. and Grand Island R. R. Co.

In submitting these telegrams for your information I wish to bring out two points. The first is clear. Mr. Prickett advises that there were 130 cars of

sheep at Grand Island. All were double-deck cars, and being mostly lambs, load on an average of 300 to the car, which would make 39,000 sheep and lambs at Grand Island. Mr. Prickett further advises: "Sixty more cars reported to unload here this p. m." This would make 18,000 head more. He also states that there were but two hundred acres of grass available, which I know to be true. This would figure out 285 sheep and lambs to the acre. Of course no attempt was made to graze these sheep. They were simply unloaded and held in the yards, and reloaded and run to Valley, Nebraska (about a five or six hours' run), where there are ample facilities for grazing. It would be needless for me to comment on the loss to the owners in shrinkage and the suffering to the animals through such treatment.

The second point is stated by Mr. Prickett's comments in his further telegrams of the same date with reference to sheep unloading at North Platte.

You will appreciate the point, knowing that the North Platte grazing lands are owned by private individuals and the Grand Island plant either by the Union Pacific R. R. Co. or by officials of the line.

Yours, very respectfully,

GRAND ISLAND, NEBR., 7-28-05.

A. J. KNOLLIN:

One hundred thirty cars sheep here, including Hailey and Saunders's thirty-six cars, which were all reported for us coming in. On strength of this our superintendent annulled freight train at Hastings and sent engine back here to give double header to that train to-night. Thirty-three total here for Stout; sixty more reported to unload here this p. m. Don't know where going. Everything moving slowly here; shippers kicking. Alter has only two hundred acres grass, and can not give satisfaction. Nearly everything unloading here. My idea is for benefit of shippers some of this stuff should be unloaded North Platte, where facilities and feed are better here to-day.

(Signed)

H. W. PRICKETT.

TESTIMONY OF A. E. DE RICQLES, ESQ.

Mr. DE RICQLES was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. Give us your name, residence, and occupation, and state any official position which you hold.

Mr. DE RICQLES. My name is A. E. de Ricqles, and I am general manager of the American Live Stock and Loan Company, Denver, Colo.

The company of which I am the manager owns cattle itself; that is, matures cattle for beef in the western country. We control about twenty-five or thirty thousand cattle in Dakota, Montana, Colorado, and Arizona. These cattle in the Northwest are steers we have shipped from Texas, Arizona, and New Mexico to the Northwest.

I would like to say that my experience in the cattle business commenced about twenty years ago. I am an actual shipper and actual manager of the company. I sometimes go with the cattle; and I handle the business of my company and the business of other people.

A little explanation of the cattle business of the country may be in order, because I do not think it has been touched upon. Everybody to-day has been talking of shipping cattle direct to Chicago. We are engaged in a class of business which includes the movement of a large number of thin cattle in the spring of the year from the Southwest, which is the breeding section, to the Northwest, which is the maturing section. In other words, Arizona, Texas, and New Mexico is the sec-

tion where cattle are bred. Texas alone has 8,000,000 cattle; and these steers and heifers and cows—largely the steers—are sold as yearlings and 2-year-olds to go to the northwestern country, where they are matured into beef and held until they are 4 years old generally. This involves the movement of these cattle for an average, possibly, of over a thousand miles. These cattle move commencing in the first part of May, and the movement is over by the 15th of June. As a rule, they come off grass that has just commenced to grow in the South. If you would like to have a little explanation of just how this business is done, we will go down to Texas together and load a train of cattle. We will start, say, at Estelline, Tex., on the Fort Worth and Denver City Railroad and run to Trinidad.

A great many people have the idea that the Texas or any other cattleman starts his cattle out and wants to run thirty-six hours without stopping, or just as long as he can stay in the cars. As a matter of fact, in moving these particular cattle, the principle is to run them twenty to twenty-four hours—that is, to the first feed at Trinidad or other feeding point properly prepared to receive them. We can probably get there in twenty-two hours, if we go at the rate of 12 or 14 miles an hour. Then the cattle are unloaded at Trinidad and kept there, perhaps twenty hours, or may be twenty-four hours, for rest, if the conditions there are favorable—that is, dry and not crowded. Then they are loaded up and run up to Denver, which is 224 miles from there; perhaps it will take fifteen hours, and perhaps sixteen. Denver is the point where they are possibly delivered to the man who is taking them up to Montana. After the cattle have been taken off the green grass and loaded in Texas, they will not eat hay the first time they get to Trinidad. They do not know what a watering trough is. They have never seen one. I speak of these cattle which include the majority of the cattle that are not hay fed in winter. So, in Trinidad, they are given an opportunity to get a little accustomed to the surroundings. When they come to Denver they have become accustomed to watering troughs and know what hay is, and they will commence to eat the hay and they will drink, and it is the practice of our company to hold these cattle there for twenty-four to thirty-six hours. When these cattle leave Denver they will probably be in better condition for shipment than when loaded, or stronger from the dry feed.

The accusation has been made by the Humane Society which Mr. Whitehead is here representing that in the movement of our southern cattle their Humane Society men have seen our cattle at places like Clayton, and other points, with many dead cattle and many cripples in every train, and the shippers drunk in the caboose. I want to say that such statements are absolutely false, and I have the figures here to prove it. I want to show you these figures, which will give you some idea of how this business is carried on, the percentage of dead cattle in the movement of a large number before this law was enforced, and since.

In 1903, in the months of May and June, we moved 23,357 cattle from the Southwest through Denver to the Northwest, an average haul of 1,100 miles. Mind you, these are thin cattle and many of them have not shed their hair, and out of those 23,357 cattle there were 35 head lost in shipment, of which 13 were killed in a wreck—an accident—which left 22 cattle out of 23,357. And, to my personal knowl-

edge, some of those cattle were on the cars from thirty-six to forty hours. The greatest loss is in the first part of the trip when first loaded, with thin cattle.

Mr. RYAN. What is the date of that?

Mr. DE RICQLES. The spring of 1903. I have every shipment that we made, the number of cripples, and the number of dead. We keep the records of our cattle with the same care that the National City Bank in New York keeps its cash accounts, and I know every single steer that we have had, and where it goes; whether it is crippled or hurt, or what becomes of it.

In 1904, in the month of May, we shipped 16,137 cattle. I take this because it is the worst side of the business—the shipment of the young cattle—and out of those 16,137 head there were 35 cattle killed; more than the other time, because there were 8 cattle that were killed at a place called Carrizozo, N. Mex., by the falling of a temporary double deck in the car. You see sometimes they give us cars that have temporary double decks, and those decks are hooked up to the roof of a car, and this deck fell down on the cattle. And there were 7 of these cattle killed coming out of a place called Magdalena, by running into a washout. That was 15 from the 35, which left 20 dead cattle to be accounted for in the year, when the conditions in the Southwest were bad. I mean by that the cattle were so thin and weak on account of short feed.

In the last year, 1905, they started in to enforce these twenty-eight-hour regulations about unloading, and we were compelled to unload at very unfortunate places. For example, we would load cattle on the Southern Pacific west of Deming, N. Mex., and on coming up to go over the Rock Island they made us unload at El Paso, which was only about 200 miles, because there was no intermediate point beyond El Paso where we could unload our cattle.

The result was that last year we lost 37 head in shipment out of 24,581, which increased the percentage.

What I want to show is that even though there was no law enforced about unloading, with these very thin cattle, our company and its men did not abuse the property. There was one-tenth of 1 per cent lost in handling these cattle when left to our own judgment. We have this kind of hardship now. In the first place, in the spring we have the deep mud—that is, all over the country, after the snow goes into the ground everything gets soft. Bringing these thin cattle and being compelled to unload them arbitrarily, not at the end of twenty-eight hours, but perhaps in twenty-three hours, because we can not get to a place that it would take thirty hours to reach, and putting them in these muddy pens is something that is so much more of a hardship than to leave them in dry, warm cars that there is no comparison. I have seen men lose 100 cattle in the stockyards out of one train where, if they had been left on the cars, they would not have lost one. I am giving the figures on the southern cattle business. We never use prod poles or prods of any kind. When cattle get down the men get in the cars to get them up. Cattle do not “get down from exhaustion.”

I want to explain a little something about the range cattle in the Northwest.

Mr. RYAN. Will you file that paper with the stenographer which you have there?

Mr. DE RICQLES. It was just prepared for my own information, but I shall be glad to leave it if the committee desires it.

The CHAIRMAN. You have given the totals?

Mr. DE RICQLES. Yes, sir. Those are the southern cattle.

Mr. STEPHENS. State what would have been the per cent of loss if they had not been put on the cars at all, earlier in the spring, when they were first gathered up. Would you not have had a loss early in the spring? Do they not die when they are on the range in the spring?

Mr. DE RICQLES. Yes; they do; but we do not take any cattle unless they are strong and in good shipping condition. That is one of the printed clauses in our contracts.

Mr. STEPHENS. I was speaking of the condition on the range, before they were moved. The loss is considerable, is it not, early in the spring?

Mr. DE RICQLES. Yes; they get in the mire and they get in bog holes, and are too weak to get out, and all that.

Mr. RYAN. Have you made a comparison between similar months during the enforcement of this law, and before it was strictly enforced?

Mr. DE RICQLES. Yes, sir. Since the law has been strictly enforced there has been double the loss that there was before, and the cattle were in much better condition than before.

In the movement of northwestern range cattle, I wish to say that where the cattle are on grass they very seldom see an individual. A man on foot will stampede an entire bunch of cattle. They are wild. When they are brought into the stock yards and loaded, the most important thing about loading a train of range cattle is that they do not get "a run" on them when they are being put in the stock yards first. That has much to do with scouring. If they are put in quietly and do not get a "run" on them they do not scour, but if they get excited and get a "run" on them they scour terribly even before they are loaded, and after they are put in the cars, why, they scour a great deal more, and the cars get wet and in bad condition.

Take this situation: Let these blotters on the table here represent the stock yards, and say the cattle are brought down by the mounted men, and they get them in the gate here, and they go through and divide them into the different pens. In loading these cattle, a range steer 4 years old, which weighs 1,200 pounds, is like a 12-inch projectile. When you start him he will go into that car just as fast as he can go; and as he goes in about the first thing he does is to hit his hip on the side of the car door or on the post of the stock yards. The novelty of being confined in the car for the first time excites him. After a time this wears off to some extent and he quiets down.

I have taken some photographs here which I will leave with the committee, showing how they look. If you unload that steer, he acts just the same way when you unload him. He will go out of a car as if he were shot out of a gun and strike the posts or gates, and when you put him in the pen the first time that steer will neither eat hay nor drink water. And, for instance, if this is a pen where there are four carloads of cattle [indicating], and you would appear on that corner, those four carloads of cattle will be all over to this other corner [indicating]. And if you go over here, they will go over there. These cattle moving in this pen will make the cattle in that pen move.

Or an engine may come along and start them. I have seen a train go past and the steers would jam and break the fences down and let the whole bunch get away. They can not do that without suffering, and the larger the number in the pen the more they will jam.

I do not think there is a man in the cattle business who does not love his cattle. I have seen the old timers actually weep at seeing the abuse that one can not help giving them in shipping, especially in loading or unloading.

There has been a practice in the West, and there is to-day, of using what they call feed-and-water cars. Our ranch in Dakota is about 1,020 miles from Chicago, and the Chicago and Northwestern Railway furnishes us with what they call feed-and-water cars. We put our range cattle in these cars, and do not unload them from the time they leave Rapid City, S. Dak., until they reach Chicago; that is from fifty-eight to sixty-five hours. I want to demonstrate to you the folly and fallacy of believing that these cattle suffer particularly by standing up that long on their feet. Last year, in 1905, one brand of steers were shipped from Rapid City, consisting of about 3,000 head, and out of those 3,000 head that went to Chicago there was only 1 crippled, and that steer got his leg broken in being unloaded in the Chicago stock yards. They were not unloaded for feed and water anywhere, and when they got to Chicago they were in good condition, and all were sold for beef. They were not bruised.

We had in the year 1904 this experience: Forty carloads of beef cattle loaded at Rapid City, and our commission man told us that that was too many to bring in the market on one day of one kind of cattle. These cattle had all come together to a feeding point about 50 miles out of Chicago. The 20 cars came in for Monday, and were very satisfactory, and sold and were killed, and the packers were pleased with them. The other 20 cars of the train we unloaded at this place, 50 miles from town, and when we brought them in and those cattle were killed, on the hips of most of them and on their sides were great big red bruises and clots of blood, and some of them had their ribs broken. There is the complete evidence. You do not need anything more than that. Those cattle came together as far as the place I have mentioned. One train was all right, the one that went right straight through, and the other train, in being unloaded and loaded again, received the damages. It meant \$5 a head to us in the cattle, to say nothing of the suffering of the cattle.

I speak of those things just as they come to my mind. I can not stand up here and make a speech.

Mr. RYAN. You are doing very well.

Mr. DE RICQLES. The trouble is in loading and unloading these cattle. Any man will tell you so. It is the snowstorm in winter that we have to contend with, and the snow in the stock yards. I have unloaded cattle—been made to do it by law, in Wyoming—when it was 25 or 30 degrees below zero. I have had to drive those cattle from the warm cars into the snow banks at the stock yards, and I have been ashamed of myself. The reason we had to do that is that some humane society officer came down here and agitated a hysterical law that is no more good to us than a lot of rubbish.

Mr. RYAN. You would not have done it if you had not been compelled to do it?

Mr. DE RICQLES Why should we? Why should we put those cattle out in the snow banks?

In the summer time we have the same proposition. If you have ever seen a trainload of hogs go over the rails in the cool cars, where the motion of the train has kept them cool, and then seen them taken out and put in the sun, "to rest," with a temperature of 125 degrees, as I have, and seen those hogs die, you would say that the man who unloaded those hogs was the worst brute you ever saw. Still, we are compelled to do it, by the law.

I hope this committee will not get into its head that because there is a twenty-eight-hour law or a thirty-six-hour law, or any other kind of a law, that the stockmen run all their cattle or their sheep twenty-eight to thirty-six hours. That is nonsense. We unload our cattle, lots of them, in twenty hours or fifteen hours, and we have this right. Just an instance: I had some cattle come from Oregon the other day, and one car had too many cattle in it and the other car did not have enough. We said to the conductor, "We want you to put the train into the next stock yard" (at nearly every station there is a little stock yard), and that was done, and we unloaded the one car and got the steer up that was down, and put the extra steer in the light-loaded car, and everything went along smoothly. That is the way it is done.

The railroads are not arbitrary. The only thing the railroad is arbitrary about is the form of contract and release that you are compelled to sign when you ship cattle.

I want to say right here, that if the railroad company will undertake to take care of these cattle shipments—live-stock shipments—the same as anything else that it handles, I will never send a shipper with my cattle. They can take care of them and employ their own men. We pay our men \$5 a day in shipping these cattle and get the best men we can get. It is hard work. There is no harder work on earth than taking care of a train load of cattle. I have done it and have shipped a great deal very long distances.

The CHAIRMAN. How many men do you usually send on a train load of cattle?

Mr. DE RICQLES. One man; a good man. One good man is worth a dozen poor ones.

The CHAIRMAN. How many cars constitute a train load ordinarily?

Mr. DE RICQLES. It depends upon where you are shipping from. Our beef cattle run about twenty cars to the train from Montana; and from the South, about fifteen to eighteen cars. They have not as good railways in the South as they have in the Northwest. They can not make as good time in Texas and Arizona and New Mexico, or in the mountains, as they can in Nebraska and Iowa. It is a different proposition.

Mr. RYAN. What does a train crew consist of on a train of that kind?

Mr. DE RICQLES. It consists of a conductor and two brakemen, a fireman and an engineer. And they are generally willing to help the shipper.

I want you to understand one thing, that the western cattle will not eat and they will not drink and they will not lie down when you put them in the feed yard for the first time.

The CHAIRMAN. I would like to ask you this: You stated that in shipping cattle from your ranch in Dakota you ran them in feed and water cars fifty or sixty-five hours?

Mr. DE RICQLES. Yes, sir.

The CHAIRMAN. Do they eat and drink?

Mr. DE RICQLES. We put hay in the boxes and wet it with the water out of the water tank—

The CHAIRMAN. Do they eat?

Mr. DE RICQLES. After they have been on the cars about twenty-four hours they pick at it and are satisfied.

The CHAIRMAN. Do they drink?

Mr. DE RICQLES. They can not drink; they just get the moisture off of the hay.

The CHAIRMAN. Are they given water to drink except on the hay?

Mr. DE RICQLES. No, sir; they can not drink. That is, they get just a sip to moisten their mouths. This has been explained by the doctor most admirably, that a range steer is so excited on the car from the time you start him until he is killed that he does not experience the usual sensation.

Mr. BURKE. What have you to say about the speed limit, if anything?

Mr. DE RICQLES. I think the speed limit would be all right, if you made a speed limit for each State; but you can not run Rocky Mountain cattle or Montana cattle, or cattle in Arizona or Texas the same as you do in Ohio or New York. It is impracticable.

Mr. BURKE. You think it would be impracticable to require it?

Mr. DE RICQLES. Yes, sir.

Mr. RYAN. You think that there could not be any uniform regulation that would be fair?

Mr. DE RICQLES. I do think so; yes, sir.

TESTIMONY OF H. S. BOICE, ESQ.

Mr. BOICE was duly sworn by the chairman and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. BOICE. H. S. Boice, Kansas City, Mo. I am president of the Boice Cattle Company and general manager of what is generally known as the Capital Syndicate Company.

I feel, Mr. Chairman and gentlemen, that so much has been said on this matter that it is necessary for me to take but very little of your time. I have been in the business all my life, and would be pleased to answer any questions that I can.

The CHAIRMAN. We shall be glad to hear any statement you have to make, Mr. Boice. I do not know that we have any questions to ask you, unless we know what peculiar qualifications you have for answering questions on any particular subject.

Mr. STEPHENS, of Texas. What is the size of the Capital Syndicate of which you are manager? I mean, as to the number of cattle that you have?

Mr. BOICE. About 85,000 to 90,000 head.

Mr. STEPHENS, of Texas. Do you ship those cattle to the north, to Wyoming or Montana, for the purpose of maturing them before you

ship them into Chicago, or do you ship them direct from the range to Chicago and the eastern markets?

Mr. BOICE. It has been the practice to ship them to Montana to mature them there, and then ship them to Chicago. Of course a great many are shipped from the breeding ranches to the Missouri River markets.

Mr. STEPHENS, of Texas. Then you can state that you have had extensive experience in both characters of shipments?

Mr. BOICE. I think so.

Mr. STEPHENS, of Texas. Both in shipments from range to range, and in shipments from the range to the market?

Mr. BOICE. Yes, sir.

Mr. RYAN. You are in the same line of business as the gentleman who preceded you?

Mr. BOICE. Yes, sir.

Mr. RYAN. Does your experience conform with the ideas expressed by him?

Mr. BOICE. Yes, sir.

Mr. RYAN. Are you in favor of increasing the number of hours from twenty-eight to thirty-six?

Mr. BOICE. Yes, sir; emphatically so.

Mr. RYAN. Tell us some of the advantages that you would have by increasing the number of hours in which cattle could be confined in transit and the disadvantages of the present law.

Mr. BOICE. The disadvantages of the present law have been so fully explained here that it seems hardly necessary for me to go into the matter.

Mr. RYAN. I mean, if you have anything new to say.

Mr. STEVENS, of Minnesota. Where do you market your cattle?

Mr. BOICE. In Chicago, principally, from Montana.

Mr. STEVENS, of Minnesota. What is the distance?

Mr. BOICE. About 1,100 miles.

Mr. STEVENS, of Minnesota. How many stops do you consider would be for the best advantage of your cattle?

Mr. BOICE. One stop.

Mr. STEVENS, of Minnesota. Where?

Mr. BOICE. In the neighborhood of St. Paul.

Mr. STEVENS of Minnesota. What would be the length of time ordinarily taken from the beginning of the shipment to final destination?

Mr. BOICE. What is the length of time taken now?

Mr. STEVENS, of Minnesota. What do you calculate, one shipment with another, the average length of time taken to ship those cattle that 1,100 miles? How long would it take?

Mr. BOICE. If they are run right through, about sixty or sixty-five hours.

Mr. STEVENS, of Minnesota. And how long a lay-over would you have at St. Paul, say?

Mr. BOICE. They should have at least twelve hours.

Mr. STEVENS, of Minnesota. That would be about fifty hours in running time?

Mr. BOICE. There is one thing that I would like to speak of in connection with what was just said by the gentleman who preceded me: During the last few years that I was identified with the Boise Cattle Company of Montana, we ran all our cattle to Chicago through with-

out unloading. They were on the cars from fifty-five to sixty hours, and when we commenced we ran them alternately in that way with those that we unloaded, and we found that the buyers much preferred those that came through without unloading and would always give them the preference, and very often would pay us from 5 to 10 or 15 cents per hundred more money for them.

Mr. STEVENS, of Minnesota. Why?

Mr. BOICE. Because they are less bruised.

Mr. STEVENS, of Minnesota. Would there be any difference in weight?

Mr. BOICE. Yes, sir.

Mr. STEVENS, of Minnesota. In what respect? Which would be the heavier?

Mr. BOICE. The cattle that came through were quite a little heavier.

Mr. STEVENS, of Minnesota. And they arrived in better condition?

Mr. BOICE. Yes, sir.

The CHAIRMAN. Is it your judgment, from your wide experience on this subject, that it will be more or less humane to run the cattle through or to take them off at the end of every twenty-eight hours?

Mr. BOICE. It would be decidedly more humane to run them through.

Mr. STEVENS, of Minnesota. Is it your experience, from your large business, that the railroads will run the trains through as fast as they can, or would it be better if a law should require them to make a speed limit?

Mr. BOICE. I fear that in putting a speed limit in the law there would be some complications in connection with it, and I very much question our being able to get the law through.

The CHAIRMAN. I was going to ask you whether your observation upon that subject was directed so much to the futility of a speed limit or to the fear that the influence of the railroads would be exerted in opposition to the proposition?

Mr. BOICE. I will say, Mr. Chairman, both.

The CHAIRMAN. Is that all, Mr. Boice, that you wish to say to the committee?

Mr. BOICE. There is one matter that I think possibly has not been touched on very much, and that is: When these cattle are unloaded at the end of twenty-eight hours, say, that after they have filled with water they are not fit to be reshipped, and very often, if they are only shipped on the cars ten or twelve hours, the results are more disastrous than when they have been on the cars from thirty to thirty-five hours.

The CHAIRMAN. Why are they not fit to be reshipped?

Mr. BOICE. They are filled with water, and in that nervous condition nearly invariably they scar badly.

Mr. RYAN. The doctor stated in his testimony that it was perhaps unwise to feed and water cattle for at least ten hours before the first shipment. That applies, according to your argument, to the unloading points, too, does it?

Mr. BOICE. Yes, sir.

Mr. RYAN. That it is unwise to feed and water them very much at those places?

Mr. BOICE. Yes, sir. I do not know as I understand the last question.

Mr. RYAN. Is it unwise, also, to feed or water them to any great extent at those points when they are to be reloaded at once and shipped on in a few hours?

Mr. BOICE. I think the plug should be pulled several hours before they are reloaded. The water troughs should be empty.

STATEMENT OF J. V. VICKERS, ESQ.

Mr. VICKERS was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. What is your name, residence, and occupation?

Mr. VICKERS. J. V. Vickers; Tombstone and Los Angeles. I am a cattleman and stock grower.

The CHAIRMAN. We would be very glad to have you make a statement about this proposition, if you so desire.

Mr. VICKERS. I am very pleased to have the opportunity to add my evidence as an operator in this section for the last twenty years or more to the evidence of the gentlemen preceding me, and especially Mr. Eckels, who has bought a good many cattle, and has been interested in the same section.

The CHAIRMAN. Do you ship cattle to Los Angeles?

Mr. VICKERS. Yes, sir.

The CHAIRMAN. Do they ship cattle from there this way?

Mr. VICKERS. No, sir; but we ship a great many cattle from Arizona this way, and some to the north. In South Dakota we have a few cattle, and we have shipped a great many cattle to Kansas City from a point called Texhoma, Okla., which is about 473 miles, I think, from Kansas City. Since this law has been enforced we have suffered quite a loss, and our cattle have suffered a great deal of punishment on account of having to unload between Texhoma and Kansas City, which run should be made, and can easily be made, within thirty-six hours. And as Harrington is the point between Texhoma and Kansas City that comes along about the time when the railroad company gets afraid that they can not get to the market with the cattle within the twenty-eight hours, they are oftentimes thrown out at Harrington, in about twenty hours from the time they are loaded, and oftentimes in bad pens and stormy weather, to their great discomfort, and of course they get bruised up, as the gentlemen have nicely explained here, by being unloaded and loaded unnecessarily, where, under a law allowing them to be kept on the cars for thirty-six hours, they could have easily made the market and gotten to good, comfortable pens, without this punishment and bruising, which is a loss, as well as a punishment or cruelty, and therefore should be avoided for all reasons. That I know very well about, because we shipped several train loads last fall, and every one of them had to suffer that punishment and loss.

Mr. RYAN. Do you know of any shippers or growers of cattle that are in favor of the twenty-eight-hour law?

Mr. VICKERS. Why, none that grow cattle enough to amount to anything. There may be a few shippers that only live ten or twelve hours from the market that think the law had better stay as it is. Some of them say that the railways would take thirty-six hours to take them to market, instead of twenty-eight hours, if they could,

but I think that comes from prejudice or ignorance or hostility to the railroads rather than from good business judgment.

Mr. RYAN. No big shipper or grower is in favor of the twenty-eight-hour law?

Mr. VICKERS. Not that I know of; not one.

Mr. STEVENS, of Minnesota. You think the railways would run the cars through as quickly as they can?

Mr. VICKERS. I think so. They want to get rid of the cattle and cars and trains as quickly as they can. They have to pay their men all the time that they are at work. It is reasonable to suppose that they want to get their trains over the road and get them to pulling something else. All that they can get from us is one freight, anyway. Of course, on single-track roads the train is submitted to a great deal of delay, as you know, and a large amount of that is unavoidable. Sometimes we think we ought to get a little better treatment than we do get, but I think oftentimes that comes from our not knowing about the other business that the railways have to handle.

There is no question, gentlemen, but what cattle would be a great deal better off to be in the cars for thirty-six hours than to be thrown out at the end of twenty or twenty-five or twenty-eight hours, when a few hours more would take them to market. Harrington is only 149 miles, for instance, from Kansas City, and a downhill pull, so that it is no trouble at all for them to get there in the thirty-six hours, barring accidents.

In some of our northwestern shipments—I do not remember the mileage at the moment—but I have suffered, and our cattle have suffered very much in going to Los Angeles by having been unloaded. Last fall we had a train load going to Los Angeles, and they unloaded at Colton, 60 miles from Los Angeles. They were very fat beef cattle, and they were wonderfully bruised. The packing house managers complained very much about their being bruised, more so than ever before, simply because they were unloaded at Colton, and got bruised by going in and out of the cars. The cattle were rather wild, but you can not keep boys off the fences; they want to play smart and holler, and the engines keep running about, and the loss on those cattle by shrinkage was very great, and by punishment very cruel, and to the packer very considerable. That is just one instance that I remember that occurred last November.

The CHAIRMAN. Is that all that you wish to say to the committee?

Mr. VICKERS. That is all I think of; yes, sir.

TESTIMONY OF MORTIMER LEVERING, ESQ.

Mr. LEVERING was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation, please.

Mr. LEVERING. Mortimer Levering. I am vice-president and manager of the Mallory Commission Company, and am a live-stock grower interested in some live-stock associations in Chicago.

The CHAIRMAN. Have you any statement that you wish to make in reference to this bill?

Mr. LEVERING. I wish to ask the privilege of filing this paper, that has been rewritten since the one filed with the previous meeting,

which was an address that I gave at Buffalo last July. I do not want to take up your time further.

I want to say this, though, to call attention to the fact that the men who have been here to-day representing this interest are all live-stock growers, practical men, who have been up against this trouble; men here to-day like Mr. Knollin, who has sold over \$7,000,000 worth of sheep last year, and other men like Mr. Mackenzie, that have \$3,000,000 or \$4,000,000 invested in these animals, and the testimony is absolutely a unit on this matter. Here is a gentleman who has filed a petition signed by 50 shippers, and we can get you thousands of them, but we know that no man would read them. You can hardly find anyone but what has been converted to this subject, who has gone over the route. And concerning the people on the other side that have opposed it I want to ask if any of them have seen any cattle loaded in these Western States. During the past two years my business has called me to Texas, North Dakota, and some other places, looking after large cattle loans, and the cruelty is something awful. They have even taken oily waste out of the boxes, and tied it to the steers tails and set fire to it to make them move. Horses have been gored. One gentleman has seen five horses gored in one afternoon, trying to get the cattle out of the yard at Taylor, Tex. I saw men who had rocks in cans and pans and all that to get the cattle out, and I ask any of the humane people that think this is a sentimental proposition to go and see for themselves. They will be converted as I was.

I am not going to take up your time further, gentlemen.

The CHAIRMAN. Have you seen the communication, Mr. Levering, addressed by James M. Brown to the chairman of the committee on legislation of the American Humane Association and to the members of this committee, concerning yourself?

Mr. LEVERING. No, sir; I have not read it.

The CHAIRMAN. I will show you a copy of it. Is Mr. James M. Brown here, and does anybody know whether he wishes to be heard? [After a pause.] He does not seem to be here. I will let you look at this, Mr. Levering. As long as it has been sent to the committee about you, I think that is proper.

The paper above referred to by Mr. Levering is as follows:

IS THE OPERATION OF THE TWENTY-EGHT-HOUR UNLOADING LAW HUMANE?

By MORTIMER LEVERING.

(For twelve years president of the Lafayette Humane Society.)

On the third of March, eighteen hundred and seventy-three, Congress passed an act to regulate the shipping of live stock and the same at once became a national law. The exact text of it reads as follows:

"Sec. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented from unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have

been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

"Sec. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners, or masters of boats or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

"Sec. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

"Sec. 4389. The penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court of the United States, holden within the district where the violation may have been committed or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies, and subordinates to prosecute all violations which come to their notice or knowledge."

In support of the passage of this law members of the important humane societies throughout the country were zealous and insistent. They had the co-operation of many leading humanitarians. The reasons given at the time for its passage were in the main true and of sufficient importance to convince a majority in the House and Senate to vote in favor of the bill.

This law was previously enacted by the legislature of Illinois in 1869, and was framed to meet the transportation conditions of that time, which were even more primitive and barbarous than those of 1873, when it was adopted as the law of the United States.

The exact text of the Illinois law, approved March 31, 1869, reads as follows:

"Sec. 51. No railroad company or other common carrier in the carrying or transportation of any cattle, sheep, swine, or other animals, shall allow the same to be confined in any car more than twenty-eight consecutive hours (including the time they shall have been upon any other road) without unloading for rest, water, and feeding for at least five consecutive hours, unless delayed by storm or accident, when they shall be so fed and watered as soon after the expiration of such time as may reasonably be done. When so unloaded they shall be properly fed, watered, and sheltered during such rest by the owner, consignee, or person in custody thereof, and in case of their default, then by the railroad company transporting them, at the expense of said owner, consignee, or person in custody of the same; and such company shall have a lien upon the animals until the same is paid. A violation of this section shall subject the offender to a fine of not less than \$3 nor more than \$200."

As a matter of fact, the law requiring animals in transit to be unloaded every twenty-eight hours was framed to meet the conditions which existed about forty years ago, and it stands to-day substantially as originally framed. That it is obsolete, unsuited to present conditions, and should be modified, are the firm convictions of nearly every intelligent stockman who has no special local or private interest to serve by upholding the law as it stands.

Admitting to be true that the conditions then justified the enactment of such a law, the enforcement of it after a period of thirty-three to thirty-eight years seems unwise and entails discomfort and cruelty in a majority of cases, rather than to give relief, as contemplated by the text of the law.

The third of a century last past has shown such wonderful changes in everything relating to the subject that it is difficult to draw a mental comparison and make the contrast of things then and now far enough apart.

It is indisputable that in those pioneer days of live-stock transportation shippers encountered greatest difficulties. The science of railways was yet comparatively undeveloped, and much of the country was undeveloped also. The railroad companies were poor, very poor. The building of railroads was hazardous and costly, their equipment meager, limited, and primitive, and the service incompetent. Accommodations for both live stock and people were crude and uncomfortable.

Freight rates on live stock were high, often more than double those of the present time, and charged by carload rate, instead of cents per hundred pounds.

Cattle were wild, and so were many of the men who handled them.

Stock cars then were 26 to 28 feet long and 4½ to 6 inches less in width than present cars. They were equipped with hand brakes only, and old rubber springs that soon became hard. A large proportion of them were "combination" grain and stock cars, but little better than tight box cars for live stock, especially in hot weather. They had no equipment whatever for feed and water en route.

Trains were coupled with long links and pins, the great amount of slack causing tremendous impact at every movement during the journey. Old wood-burning engines on the western roads, also equipped with link-and-pin couplings and hand brakes, slowly dragged along their trains, usually starting them with a jerk and stopping them by reversing steam. The average schedule time, including stops, for freight trains on the five leading western roads in 1873, was ten and one-half miles per hour, with highest time allowed twelve to fifteen miles; and for passenger trains the schedule time, including stops, was twenty-two to twenty-five miles per hour, with highest rate of speed allowed twenty-seven to forty miles.

These trains ran on short, light, iron rails, joined by old iron "rail chairs" spiked onto the wooden ties, forming a single-track road, with side switches at each station to permit the passage of trains. The roadbeds were rough and poorly ballasted, with excessive grades, wooden bridges and trestlework, and everything in a poor state of repair, with many railways in the hands of receivers.

The high, arbitrary carload rates then charged for small stock cars induced heavy overloading, which constantly resulted in many dead and crippled animals, while the remainder were generally more or less bruised from the overcrowding and from the continual jerking, jolting, and swaying of trains having link-and-pin couplings and hand brakes only, being handled over rough tracks and heavy, uneven grades, with numerous stoppings and startings during frequent switchings, by engines too light to do either without bumping and jerking, thus frequently throwing the weaker animals down and piling the others on top of them, where they were trampled until either helpless or dead, or from which they arose bruised and injured so that sometimes they afterwards died. In hot weather their sufferings were intense, being so closely crowded together. If a steer got down on the floor of the car, either thrown by the rough handling of the train, or through crowding of the stronger animals, or by weakness from the heat or otherwise, the other cattle must be crowded away from him and he must be forced to arise, if possible, or else he was likely to be killed or crippled and sold at a loss.

It was therefore the invariable custom in those days for the owners or attendants in charge of the cattle to carry a lantern and an instrument called a "prod pole," the latter consisting usually of a long, heavy hoe handle, made of ash or hickory wood, and nearly six feet in length, with a sharp iron or steel spike extending from one end for a half inch to an inch or more, which sharp-pointed instrument was thrust through the cracks of the car and into the sides or other parts of the cattle to make them move aside, and into the "downer" to make him arise. This "prod pole" was also equipped with a flat-headed screw, driven into it near its business end and extending about three-eighths of an inch at right angles from the pole. When the "down" steer did not respond readily to the pain of "prodding," the end of this pole, with its attached screw head, was then engaged with the matted brush at the end of the steer's tail, and by turning or twisting the pole in the hands, the tail was readily curled and twisted when by a pull on the pole a most severe strain could be applied to this very sensitive organ. If the prostrate steer had life enough left in him to arise, this "twisting of the tail" would make him do it. If he did not respond to that painful operation, then it was considered that there was little hope for him, and it was usually expected to have a dead steer on hand when the market should be reached.

Strong animals evenly matched might stand the journey without any of them being trampled or injured beyond the bruises received during loading and from bumping against the sides of the car en route, *provided they were not kept too long under the strain of overloading*, for in their crowded condition, with the jerking, jolting, rocking, and bumping of the cars while running, and the rough handling of trains during the frequent switching, it was a constant struggle for them to keep upon their feet.

For this reason, on long journeys, it was found necessary to stop en route and unload the stock in order that they might lie down and rest before resuming the struggle, and for through shipments from distant points the railway companies provided yards and chutes at convenient points called "lay-over" stations.

The unloading and reloading of stock at these "lay-over" stations was attended with many unavoidable cruelties, however, the animals being wild and many of them already injured or weakened by the struggling journey, while the busy men who handled them in loading a long train had little time for gentleness, so that the pounding, plunging, and bruising they received in unloading and reloading en route only added to their distress and injured the value of their carcasses for food. This cruelty in a measure still exists, and is inseparable from unloading stock en route.

Contrast the above crude, undeveloped state of transportation thirty-three years ago with the present almost complete construction, equipment, and operation of western railways, now busy and prosperous, with their straight, smooth, double-track roads, loaded with passengers and freight; roadbeds heavily ballasted with stone, and bridges and trestle work of steel, concrete, and stone; laid with heavy steel rails, joined by modern steel angle bars bolted to their sides, thus admitting high speed and smooth running of trains with their heavy loads and equipment; engines, coal or oil burning, heavy and powerful, capable of starting trains without a jerk and stopping them without jolt or jar by the application of air brakes simultaneously to every part, both passenger and freight trains being fully equipped with air brakes and automatic couplings.

Schedule time of both freight and passenger trains is about double that of thirty-three years ago, with practically no limit as to speed allowed.

Stock cars are now generally thirty-six feet long, four and one-half inches wider than a third of a century ago, mounted on highly tempered steel springs, all equipped with train brakes and automatic couplers, and the majority of them are equipped also with conveniences for feed or feed and water en route.

Freight rates on live stock are now equal to about one-half the rates of 1873, and are based on cents per hundred pounds for minimum weight, and any weight in excess of minimum is paid for at the same rate.

As the physical conditions of railways improved and heavy engines running at high speed hauled trains equipped with air brakes and automatic couplers over heavy, well-ballasted, double-track roads with safety, without swaying or jolting, and without the bumping and jerking of frequent switching to allow trains to pass; as stock cars became more roomy, equipped with better springs, and supplied with conveniences for food and water en route; and especially after the installment of the weighing system of ascertaining freight charges on a basis of cents per hundred pounds, which removed the incentive to load beyond minimum weight, it was found that the cattle rode comfortably for long distances, and arrived at market in better conditions *without unloading en route*, except of course where the animals were loaded into cars without feed and water equipment and the journey to market required more than two days.

Under the crude conditions of transportation which existed thirty-three to forty years ago, and the overloading of cars with live stock then practiced, the "rest" prescribed by the laws of 1869 and 1873 was really needed; now the animals rest while riding. Animals have become more domesticated, tame, and accustomed to small enclosures, stalls, or sheds, while the men who handle them have become more humane, and have learned by experience that kindness to animals pays.

The incentives to overloading have been removed, and the protests of packers and other buyers, enforced by rejection or dockage and price lowering on account of bruises and other injuries to the animals and damages to their hides from rough usage, have resulted in a still greater desire to land the live stock at market in the best possible condition.

Under the old transportation conditions shippers on stock trains went out with their prod poles and lanterns at almost every stop, to keep their cattle on their feet; now they seldom leave the caboose, except to change cars at the end of the division.

Then hundreds dally of prod poles and lanterns were brought into the commission firms' offices at the end of the journey; now they are never seen.

In 1873 the unloading gangs at market invariably carried ropes for the purpose of dragging the dead and crippled cattle from the cars; now the rope is so seldom used that a special trip has to be made for it on the rare occasions when needed.

In those early days the principal buyers had men stationed regularly at the scales to watch for broken-ribbed cattle, which were frequently found, and \$5.00 per head was deducted from the purchase price of every such steer, buyers sometimes refusing to take them at all. Now they are so rare that we can almost say there are none.

Overloading of stock cars was intensified by the high prices then paid for dead animals, i. e., those killed en route to market, and sometimes they brought almost as much as live ones. In 1869 dead hogs taken from the cars sold regularly for \$4.50 to \$5.00 per 100 pounds. Now they bring only three-fourths of a cent per pound if they weigh over 100 pounds, and nothing if they weigh less.

Overloading stock cars was then the general practice, owing to high and arbitrary carload freight rates; now there is no incentive to load beyond minimum weights.

It cannot be too strongly impressed upon the minds of those interested that in 1869 and 1873 the cost of live stock transportation was nearly double the present cost, and often more than double, and charged for at carload rates, while now freight is charged in cents per hundred pounds for minimum weight, with additional charge at same rate for all weight over minimum. This change in freight rates and mode of applying them has done away with overloading cars, which, together with the slow schedules and hardships of primitive transportation, were the causes which made necessary unloading en route in the early days.

The speed of stock trains has been greatly increased, being often two or three times that of thirty-three years ago, and "lay over" stations are less used in consequence, hence most of them are to-day in no better condition than during the 70's.

The pens at these unloading places, as a rule, are not sheltered, and much of the time they are deep in mud and filth, and it is impossible for animals to lie down in them or obtain any rest whatever while unloaded, and the condition of the pens is often such that to force the cattle or other live stock into them is positively inhuman.

Yet, the enforcement of this law requires that stock trains shall be emptied every twenty-eight hours or less, which, of course, must be done at such points, since the smaller stations en route do not have the necessary capacity nor facilities, compelling horses, cattle, hogs, and sheep to be unloaded in snow, sleet, and rain, at all hours of the night, and forcing them to remain in exposure and mud for at least five consecutive hours, regardless alike of their suffering and injury, of damages to their owners from delay and depreciation in their value, and of the destruction of railroad schedules, upsetting of all regularity in the handling and running of trains, and greater expense of the service, all of which entails serious and material loss upon both shippers and railways, to no one's benefit. These are facts constantly being demonstrated and susceptible of the fullest proof.

Because stock trains are made up of cars taken on at various points scattered all along the route, and because "lay-over" stations with capacity for a full train, or several trains at once, are necessarily at considerable distances apart, the enforcement of this law frequently results in unloading a portion of the live stock within 50 or 100 miles of its starting point, or within 50 or 100 miles out from the market or final destination, when the latter could have been reached by an hour or a few hours more than the twenty-eight hours.

Hence there has been a great deal of complaint on the part of shippers that they are frequently compelled to unload their stock within ten or twelve hours from the time they started to market, because to pass any unloading point would necessitate their running further than the law would allow before they could reach another unloading station. It is also frequently the case that they are compelled to unload within ten or twelve hours of destination for the same reason, thus often arriving too late for the day's market for which they started. These are hardships which can be fully appreciated only by those who are compelled to endure them. These hardships could be avoided by an extension of the time allowed for unloading to thirty-six or forty hours.

The situation as to the practical application of the twenty-eight-hour law is thus clearly and truthfully summed up by the Texas Cattle Raisers' Association:

"The transportation companies are not prepared to rest, feed, and water the cattle at stated intervals of twenty-eight hours, or any other stated intervals, as it would be impracticable to provide the necessary facilities to exactly comply with the law. Cattle are not delivered to the railroads at any stated times, and

therefore regular schedules, providing for the unloading of cattle at certain points, cannot well be adopted; and to comply strictly with the twenty-eight-hour limit would necessitate the building by the railroads of unloading pens at such short intervals along their lines as to call for an expenditure which the business will not justify. In consequence of these conditions the cattle are often compelled to be unloaded at much shorter intervals than even the law provides for, and when there is no occasion or necessity for it, or carried to facilities within a few hours' run of destination and unloaded, when it would be far more merciful to permit them to continue to destination. In all respects it is the unanimous opinion of this convention that the twenty-eight-hour law does not establish a happy or a necessary medium in the interests of humanity to cattle."

There are three essential features of every law—the passage of it, the construction of it, and the enforcement of it.

A law passed may be a good one, the construction of it unwise, and the enforcement of it unjust.

The law now under consideration, though on the statute book a third of a century, has never been operative or enforced until within a very recent period, while the necessity for imposing its penalties have relatively declined as the time advanced since its adoption. The demand that the authorities give their attention to this obsolete law was not made by the individual shipper or the railroad or the buyer who uses the animals, and these are the three most interested parties. Has it been borne up to the light of legal investigation on the recent wave of reform that is sweeping over our land, or has it been revived by selfish competition or by the tender compassion of needed intervention?

It needs no apprenticeship for the shipper to learn that an animal must arrive at its destination in market in prime condition to command a prime price, and in best shape to bring the best price. He, being the party financially interested, will also be the most humanely interested. He will demand that his stock is properly cared for, fed and watered, and if it is not he needs no good Samaritan to suggest redress, nor a friendly lawyer to advise what are his rights, nor any official power to offer relief. He acts independently and at once, and demands damages from the railroad that gives bad treatment to his stock. So it is apparent that many there are who keep the roads mindful of their duty to the animals, the service, and the humble shipper, who generally knows more law about rights against railroads, local and interstate, than most eminent corporation attorneys, and he does not have to dictate his complaint to a typewriter, but he makes it direct, quick, and emphatic to the claim agent and all others he meets, whether connected with the road or not.

In eighteen hundred and ninety-seven the Department of Agriculture sent out a notice to all railroads that complaint had been made that the law regulating time of unloading was not being complied with and advising that the failure to comply with the provisions of the law would render them liable to the penalties provided in section 4388.

Immediately following this notice the Texas Cattle Growers' Association held a meeting in San Antonio and protested against the enforcement of the law, and the following year, eighteen hundred and ninety-eight, the National Live Stock Exchange, a federation of all the live-stock exchanges in the United States, adopted resolutions setting forth convincing arguments why the twenty-eight-hour law was not humane, but to the contrary, and asked that Congress be petitioned to extend the time to forty hours instead of twenty-eight. A few pertinent reasons expressed in those resolutions are these:

"That it is found from actual experience that consequences incident to the law enforcement are in direct violation and contradiction of the humane measures for which it was framed, and that the twenty-eight-hour section operates more in the direction of cruelty to animals than it does to overcome and prevent inhumanity.

"That inhumanity to cattle is necessarily followed by immediate depression in value, both as effects their general appearance and loss in weight upon arriving at market.

"That the prevalent theory that owners would permit their cattle to suffer famine and water for the purpose of a stuffing process by way of a 'fill' at the market destination, is entirely inconsistent with the experience of good judgment and common sense."

It too frequently occurs that when people are aroused they express sympathy with what to them seems a needful betterment of conditions, or amelioration of suffering, without having first traveled the route or taken advice from those

whose experience entitles their statements to credence and serious consideration.

The shippers of cattle, sheep, and hogs and the commission men who receive them and put them on the market are a unit that the twenty-eight-hour law is unwise, unjust, inhuman, and impracticable. There are hundreds of men whose opinions are the very highest authority, who confirm this statement, and they have a high regard for everything that promotes kindness to all stock and prevents harshness, neglect, or cruelty to animals. It is no kindness to unload hogs en route; they are comfortably provided for. If the distance is great and the weather hot, the hogs are put in long stock cars, well ventilated and bedded with wet, cool sand; feed and water is provided for them in the cars. If they are unloaded, in nearly every instance several hogs die from exposure in the unsheltered railroad yards.

When cattle are unloaded they are usually put in muddy yards, do not have shelter over them, and they come into market very much depreciated. At these small country unloading places the chutes are usually steep, and the cattle are forced to go out and into the cars again, and are many times bruised, which is always a loss to the stockman.

The country is so large and the hauls so far that it is next to impossible to have proper stations for taking care of animals at or near twenty-eight hours from time they were loaded. An ordinary case in point may be cited, having occurred within the past few days: A train of cattle was loaded in western Iowa and billed for Chicago. They started Wednesday evening, to arrive in Chicago Friday morning, to be sold upon arrival. As they could not be delivered at destination in less than thirty-four hours (which was only six hours in excess of the law), they were unloaded in twenty-six hours, or Thursday evening. After resting five hours they could not arrive in time for Friday's market, and there being no market Saturday, they had to be kept in the pens until Sunday evening, and arrived Monday morning for market. The pens in which they had to stay were very filthy, being deep in manure and mud, as it rained nearly every day. The cattle were discounted at least 50 cents per hundred pounds in the price, and their loss in weight was very large. The loss in such a case would be nearly \$200 per car, and amount to all the profit the feeder might have for his season's feeding.

In recommending that this law be not enforced strictly, according to its text, that it would be more cruel than just, it is not a reflection on our predecessors that formulated it, nor is it charged that they were necessarily mistaken and inexperienced. Conditions of that period doubtless justified the legislation in the interest of humane measures. But what was the need of those days, thirty-three to forty years ago, is not the same now. A broader experience, enlarged facilities, improved equipment on the part of the transportation lines have kept parallel with the unprecedented growth of a better civilization; wiser protection of domestic animals and the widely diffused education that humane and gentle treatment is due to animals and dependent beings makes the operation of this law without justification.

TESTIMONY OF I. T. PRYOR.

Mr. PRYOR was duly sworn by the chairman and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. PRYOR. Ike T. Pryor, San Antonio, Tex. I am a cattle raiser and cattle shipper.

The CHAIRMAN. At what points?

Mr. PRYOR. My ranch is south of San Antonio about 90 miles, and my usual shipments are from Uvalde, Tex., 93 miles from San Antonio.

The CHAIRMAN. To what extent are you a cattle raiser?

Mr. PRYOR. I have been in the business for thirty years. I have shipped as many as 800 cars a year, and seldom less than 200.

The CHAIRMAN. Do you wish to make a statement to the committee?

Mr. PRYOR. Yes, sir.

There has been some evidence brought out here that it is inhumane to keep cattle standing on their feet, and that they ought to have rest before the expiration of thirty-six hours. I am an exporter as well as a shipper here in this country. In the year of the Spanish-American war I shipped 7,000 cows and steers to Cuba. The best time my steamships would make would be three days from Galveston to Habana. I would charter the vessel, and there was no law to keep me from loading as many as I wanted and keeping them on as long as I wanted to. It takes seventy-two hours from Galveston to Habana, and I would lay off the decks of the ship in small pens about as large as an ordinary 36-foot car, and sometimes larger when the corners of the vessel would prevent making it square. I have loaded as many as 900 steers on one ship, and I would have eight and nine shippers with these vessels, and would keep these cattle on their feet for the three days. I would water them very little, but would give them all the hay they could eat. I suffered no inconvenience at all, and my losses out of the 900 head were 5 head. That shows that the animals can stand on their feet without any inconvenience almost indefinitely. I believe in these range countries out in the Northwest, where they have heavy snows, that the cattle voluntarily stand on their feet for ten or fifteen or twenty days; so that this talk about thirty-six hours being too long for them to stand on their feet does not bear much weight with me.

Mr. STEVENS, of Minnesota. Do you know anything about conditions in the northwest country as to cattle standing up?

Mr. PRYOR. I have sold a great many cattle up in that country, and have fed cattle in pens where, when a snowstorm would come up, the cattle would not lie down in the muddy pen. Two winters ago I went to a pen, and I said to my shipper: "Do these cattle lie down?" He says, "No, sir; not one of them lies down, unless they get up in the trough to lie down;" which shows that of their own volition they will stand on their feet for quite a while.

I am going to give you the experience of a shipment from Uvalde last year, under the workings of the twenty-eight-hour law. I shipped about 150 cars from Uvalde, commencing on the 18th day of April. While there are eight or nine of them, I will pick out one train of those cattle, a favorable train, which I have down here on this paper. I have gone over the shipments and taken a favorable train, as far as speed is concerned, because I say to you they made 19 miles an hour on two different runs; and if you will bear with me, I will just read it to you, because I had to hunt this distance up [reading]: "Telegraphic communications convinced me the beef market at Kansas City was good the week of April 17th, 1905, and would probably hold good during the balance of that week.

"Being quite anxious to get a shipment on the market before a decline, I commenced loading 18 cars of beefs at Uvalde, Texas, Tuesday, three p. m., April 18th, 1905, for Kansas City, a distance of 912 miles, expecting to reach the destination Friday morning, 21st, in time for the market.

"The 432 cattle comprising this shipment were four and five year old wild, range steers, were unused to pens, consequently quite nervous.

"We consumed three hours in loading the 18 cars, owing to various causes of delay incident to such business. When I signed the billing

contract, I noticed the agent had marked on the waybill the word-
'Loaded at 3 p. m., April 18th.'

"I protested, claiming it was unfair to take from me three hours of the precious 28, to which the cattle were limited to remain on cars.

"The agent exhibited instructions from his superior, which gave him no alternative in the matter.

"I placed with this train an intelligent shipper, instructing him not to unload until he reached Denison, Texas, 501 miles distance from Uvalde. They reached Fort Worth, Texas, Wednesday, three p. m., unloaded under protest of my shipper, after being on the cars 24 hours, actually in transit only 21 hours, an average of $19\frac{2}{3}$ miles per hour.

"The excuse offered, and a valid one, was the cattle, according to the waybill, had been on cars 24 hours, and they were afraid to undertake to make the run to Denison, the next adequate pens for unloading, a distance of 96 miles, in four hours.

"They were unloaded by four p. m., Wednesday, 19th, at Fort Worth; were given seven hours' rest; were reloaded on the cars, and billed out of Fort Worth at 11 p. m., but actually starting in transit at 2 o'clock, a loss of 3 hours.

"They reached Parsons, Kansas, Thursday, at 12.00 p. m., actual running time 22 hours to cover 370 miles, an average of $16\frac{4}{11}$ miles per hour. You will observe the cattle left Fort Worth at 2.00 o'clock, but were timed out of there at 11.00 o'clock, making 25 hours on the cars.

"My shipper offered the same protest against unloading at Parsons, demanding cattle to be run on to Kansas City. He received practically the same answer from the agent, that Kansas City was 137 miles distant, and they could not possibly make it in the remaining 3 hours of the 28-hour limit.

"After remaining in the yards at Parsons, Kansas, until eight o'clock next morning, they were loaded out for Kansas City, making the 137 miles by 3.00 p. m., an average of $19\frac{1}{4}$ miles per hour, reaching Kansas City too late for Friday's market, necessitating holding them over until Saturday.

"You will observe that had it not been for the 28-hour law these cattle would have been delivered in Kansas City inside of 36 hours after leaving Fort Worth, even with delays at the different places on the road, and would have been on the Friday morning's market.

"It is a noted fact that Saturday is not a market day, the packers and other buyers having bought all they need during the week, and it is a rare occurrence to sell this many cattle on Saturday without great concessions. Rather than hold them over until Monday, when they would be classed as stale cattle, I consented to the sale on Saturday at a decline in price.

"Had it not been for the 28-hour law in force, this train of cattle could easily have reached Denison within the 36-hour limit before unloading. It would only have been necessary to unload them once instead of twice, only one feed bill instead of two, and I venture the assertion that under a 36-hour limit, not including time required for loading and unloading, there would have been a great many less bruised cattle.

"In fact, I can safely estimate the 28-hour law, in this one instance, cost me at least one dollar per head, not to mention the inhuman.

treatment the cattle received. And this is not only a fair average of all the shipments made from southern Texas, but, I might add, from the entire western range countries. The same is true of New Mexico, Colorado, and the Northwest."

If you will give this extension, we can then make Fort Worth as one market. From Fort Worth we can then make Kansas City or St. Louis. Kansas City is five hundred and some odd miles, and you take 150 miles from San Antonio and you still get in there in thirty-six hours. It gives us a chance for our home market.

The CHAIRMAN. To go a step further: If you are unable to market your stock at Kansas City, where would you next run to?

Mr. PRYOR. To Chicago. We would go one more run; it is about 500 miles to Chicago and the road can make that, under their present speed, because there is no necessity of unloading from Chicago to Kansas City.

The CHAIRMAN. So that under that proposition you would have a chance at three different markets without being required to unload between markets?

Mr. PRYOR. Yes, sir. That is the point I want to make. It was eighty-nine hours before these cattle, the shipment of which I have been speaking of, were sold. They were taken out at eight o'clock in the morning. They were weighed up ninety-five hours after they were loaded, owing to the operations of the twenty-eight-hour law. I will show you how it was, exactly: They were loaded on Tuesday at 3 o'clock p. m. The time consumed in loading at Uvalde was three hours. The time consumed in unloading and reloading at Fort Worth, including rest, was eleven hours. The time consumed at Parsons, Kans., was eight hours, making twenty-two hours. The actual time in transit was fifty hours, and they were held after arrival in Kansas City from 3 o'clock Friday afternoon until 8 o'clock Saturday morning, making seventeen hours more, or a grand total of eighty-nine hours.

As I came through Kansas City the idea occurred to me that I would telegraph the live-stock agent of the Santa Fe line that comes by Emporia, and I asked him to wire to Emporia and give me the number of cars of cattle unloaded in Emporia last year. That is within just 113 miles of Kansas City. There were 7,500 cars of stock unloaded at Emporia, 113 miles from the market, and 90 per cent of those were unloaded because the twenty-eight-hour limit had run out.

Mr. STEPHENS, of Texas. Would any of them have been unloaded with a thirty-six-hour law?

Mr. PRYOR. No, sir; 90 per cent of them would not. Within about 100 miles of Chicago, St. Louis, or any of those markets you will find thousands of cars of cattle that are damaged by being unloaded because they can not get into the market.

Mr. STEPHENS, of Texas. Which do you think injures the cattle the most, the loading and unloading them, or running them a little overtime to get them into the market?

Mr. PRYOR. The loading and unloading. There is no comparison at all of the two propositions.

Mr. STEPHENS, of Texas. Do you hold any official position in the Cattle Raisers' Association of Texas?

Mr. PRYOR. Yes, sir; I am vice-president of it.

Mr. STEPHENS, of Texas. How long have you been an officer in that association?

Mr. PRYOR. I have been on the executive board, I expect, twenty years, first and last. I have been an officer three years.

Mr. STEPHENS, of Texas. How often has this question come before you?

Mr. PRYOR. We have passed resolutions at nearly every meeting that we have held, that I remember of, asking for this relief that we are seeking now.

Mr. STEPHENS, of Texas. Is there any opposition whatever among the cattlemen to this extension to thirty-six hours?

Mr. PRYOR. None whatever. It is the rarest thing in the world to find a shipper that is posted that will oppose this measure. In fact they are in favor of it.

Mr. STEPHENS, of Texas. Do you know of any complaints against the railroad company about not running the trains fast enough? Are there any complaints against the railroad company?

Mr. PRYOR. Yes, sir; you will find complaints against the railroad company.

Right on that point I want to make one statement only in regard to the railroad company. There seems to be an impression among some people that if you granted us thirty-six hours the railroads would not unload the cattle.

Mr. STEPHENS, of Texas. I want you to explain that.

Mr. PRYOR. I will tell you. Year before last I bought a drove of cattle at Victoria. I sent a man down 20 miles below there to load them, and he loaded 32 steers to the car instead of 30. I got in the caboose at Victoria and saw that they were loaded too heavy, and I told the conductor to wire on to get an empty car. He found one about 20 miles farther on, and he got instructions from his superintendent, and I made them take two steers out of every car and made another full car and put that car in the train and went on. Still I had not exhausted my twenty-eight hours. In our State law, though, we do not have to do that anyway. I do not think there would be any trouble at all with the railroad. The railroad is always willing to unload whenever you ask them, when they can do it.

TESTIMONY OF J. M. BOARDMAN.

Mr. BOARDMAN was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. BOARDMAN. J. M. Boardman, Helena, Mont.; I am in the cattle business; general manager of the Pioneer Cattle Company.

The CHAIRMAN. Will you make us a short statement upon this subject?

Mr. BOARDMAN. Yes, sir.

The CHAIRMAN. From the practical standpoint.

Mr. BOARDMAN. That is the only standpoint from which I can make it, Mr. Chairman. I have been in the cattle business in Montana exclusively for the past twenty-seven years. During that time I have bought and shipped cattle from Oregon, Idaho, Washington, Utah, and Texas to Montana. I have shipped them into Montana for development and maturing purposes, to ship to Chicago as beef.

I have found that in following this business to a successful conclusion it was better, as nearly as possible, to adapt our methods of handling to the natural habits of the cattle. For instance, cattle on the open range adapt themselves to the surrounding conditions as quickly as possible. Those surrounding circumstances naturally place no restrictions upon their movements on the range. In the summer time, in the hottest weather, those cattle will never go to water but once a day, and that is about noon, or 11 o'clock. We will see them from the hillsides drifting into the water courses of lakes or ponds. They will drift in there and drink, and lie down and rest, and as the sun goes down they immediately begin moving out into the hills, and remain there, if the weather is hot, until the next day, about the same time, when they will come back again to water. As the weather gets cooler, in the fall, they will remain out longer. In the winter time they will remain out indefinitely. In fact, in Montana, where the streams freeze up, they have no water at all in many places, except the snow that they take with each mouthful of grass.

Knowing these natural habits of the cattle, when we come to handle a beef herd—to gather beef—we follow those habits exclusively. We put our cattle on water about 11 o'clock, allow them to remain there until the middle of the afternoon, and just as soon as they begin to get water into them, the first thing is for them to lie down and rest. Then we drift them out onto grass. If we are going to load them the next morning, we do not give them any water at all until the first time they are unloaded. Of course they are allowed all the grass they want, but if we should immediately take cattle off of water and put them onto the cars we would have all of the cattle down, or half of the cattle down, inside of two hours. Handling them as I have described, we rarely have any trouble with those cattle the first twenty-four hours out. They remain on their feet. Our practice has been, in shipping in these stable cars, at the first unloading point to hay the cars with two to three hundred pounds of hay; and I find that the cattle most always eat that hay. They go at it quite readily, much more so than they will in the yards.

My experience has been that to water cattle it would be foolish to unload them in yards at night, but to unload them in the daytime, so that if we were compelled to comply with the twenty-eight-hour law and unload at night, there would be nothing except just simply the rest the cattle would get, because they would not drink at night. It is against their habits and contrary to their nature.

I think one of the most successful shipments that I ever made was made in 1888. I loaded a train of cattle at Fort Benton on the 28th day of November. It was 1,035 miles to St. Paul. I ran those cattle through from Fort Benton to St. Paul without unloading. The cattle were in excellent condition. I accompanied the train myself, and I had no trouble whatever with a single steer all the way to St. Paul. When we came to unload those cattle there we had some difficulty in getting them out of the cars, for the simple reason that they were contented there. We drove them out on the platform, and they stood around, and many of them deliberately walked back into the car from which they had been taken. The cattle looked so well at that time that I remember distinctly there was a gentleman—a buyer—there who wanted to buy those cattle from me at the time, to

reship them to Chicago, but I did not sell them. I shipped them to Chicago, and the buyers there remarked how well the cattle looked.

Last year we had to unload twice between our regular shipping point and Chicago. Our first train of cattle loaded on the 11th day of August. They arrived in Chicago, and they were unloaded twice. When they arrived in Chicago they looked well, and the first report I got on them was that they seemed to have shipped well; but as soon as they were killed they made a complaint about the cattle having been bruised. Those cattle sold at \$4.15 and \$4.25. They weighed 1,267 and 1,410 pounds, I think, directly from the range.

I followed them right up with another train within two or three days, and the very reason that those cattle were bruised cost us 15 to 25 cents a hundred on the next train of cattle, and it kept the prices down during the balance of the season, by reason of the bruises that the cattle suffered during that shipment.

The CHAIRMAN. You say from 15 to 25 cents a hundred; how much would that amount to on that train load?

Mr. BOARDMAN. I never figured it out exactly, Mr. Mann. I think there were 25 cars in the shipment. I think 11 cars of cattle weighed in the neighborhood of 1,400 pounds, or a little better, and the other 14 weighed a little over 1,260 pounds.

The CHAIRMAN. It makes no difference. I thought perhaps you had figured it out.

Mr. BOARDMAN. No, sir.

In shipping cattle from the South to the Montana ranges we have always loaded according to the conditions of the cattle. There are many times that I have loaded cattle and only run them eight or ten hours, in order to get proper feed and rest for them. Ordinarily we run them twenty-four hours and give them twenty-four hours' rest. We do that for the simple reason that the cattle in the spring of the year are not nearly as strong as those range cattle in the fall off our grass. The cattle we ship in the fall, I think, I could ship very easily thirty-six to forty hours or better, without any trouble whatever.

Mr. STEVENS, of Minnesota. You think it would be good practice to run cattle from Montana to St. Paul without rest?

Mr. BOARDMAN. I would if the weather was not too hot. In the fall of the year, during the cool weather, or the latter part of September and October, I think, with the service that we generally get out there, that with those cattle we would get better results out of them by shipping to St. Paul than we would by unloading between the loading point and St. Paul and at St. Paul again and then Chicago.

Mr. STEPHENS, of Texas. Do they use the Hicks's car, where they feed them from hay racks?

Mr. BOARDMAN. Yes, sir; the cars used when I first went into the business were the old-fashioned narrow cars, 28 to 30 feet long, with the old-fashioned coupling. Now we use the Hicks, Four C's, and all of those different stable cars. Those cars are all equipped with couplings, so that when you start one car you start the whole train, just the same as is the case with a passenger train. There is no jerk whatever when the train starts.

Our weight in those northwestern roads is 24,000 pounds minimum. Up to eight years ago we had a flat car rate. We loaded without regard to weight, and generally loaded according to the size of the cattle. But now we are confined, and we have to pay on a 24,000-

pound minimum; so that we are allowed less cattle to the car than we had at that time.

I have heard in some of the evidence that has been given to-day descriptions of the prod poles that are used. I want to say that those methods have changed very materially in the loading of cattle. I have, perhaps, during my experience in business, shipped and superintended the shipment of 75,000 to 100,000 head of cattle to Chicago, and we did not allow a single prod pole with a prod or brad to be used in loading a single steer. Many of those steers we loaded with short canes, or an ordinary piece of rubber hose tied onto a short stick, to slap the side of the car or the animal. Where it used to take us in the early days half a day to load a train, we will load a train of 25 or 30 cars in from half an hour to two hours and a half.

The CHAIRMAN. Do you have any difficulty in unloading?

Mr. BOARDMAN. Not a great deal. As soon as the car doors are opened you get one or two steers out and the balance follow; but the trouble is when they start out they all want to go at once, and they jam their hips and bruise their sides. Sometimes they will run down and almost break the lower gates out.

Beef cattle begin to shrink from the moment that we take the first one from the open range. When that steer is turned out of the herd in which he has been running and put into a close herd he begins to shrink; and in that northwestern range country, while we have never had any means of weighing our cattle to know what the shrinkage has been between the loading point and Chicago, I have always believed that it was easily 10 per cent; that the cattle will weigh 10 per cent less in Chicago than they would if they were weighed at the time of shipment, which means quite a difference to us in the price. The quicker we can get those cattle to market, from the time we begin to handle them, the better results we obtain.

TESTIMONY OF W. V. GALBRETH.

Mr. Galbreth was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. GALBRETH. W. V. Galbreth; Fort Worth, Tex.; I am the general live-stock agent of the M., K. and T. Railway system, and have general charge of securing traffic, providing facilities, and loading and unloading live stock.

I can tell my twenty years' experience in about five minutes.

The CHAIRMAN. We will give you just five minutes, then. [Laughter.]

Mr. GALBRETH. There is one feature of this proposition that has not been brought out, and that is the division of the twenty-eight hours as between carriers. It must be understood that the initial lines—in the Southwest I speak of particularly—are not delivering lines into the markets, except possibly Fort Worth, Tex. An initial line may use twelve or fifteen hours of the twenty-eight hours, and you would not have sufficient time to take the cattle to the nearest feeding point. Prior to the enforcement of the twenty-eight-hour law, on our line, on which we handle about forty to fifty thousand cars a year, we had ample facilities for taking care of the business;

and after the Secretary of Agriculture issued stringent instructions, strict compliance was had with us, as with all lines in the Southwest.

If the time was extended, it would admit of most of the cattle from the ranges going through to Kansas City and to St. Louis with one feed, and from points 600 or 700 miles distant it would admit of their going to Kansas City without unloading; and that is a very important factor, gentlemen, in the transportation of live stock. One line may use slow speed, and the next subsidiary carrier may have to run at a reckless rate of speed to get the cattle to market. My observation and practical experience (I was stock-yard foreman for many years) is that the oftener you unload cattle the more injurious it is. Take one point on our railroad, Sedalia, Mo., within 200 miles of market, and we were compelled to unload there this last year almost 8,000 cars. If we had had two or three hours longer, we could have made the market.

I will give you an illustration of handling stock cattle. We handled during the month of April, from the ranges in Texas to the Indian and Oklahoma Territory, over 100,000, all of which went through without unloading, possibly with the exception of ten or fifteen thousand head, and with those that were unloaded and reloaded the loss was relatively greater than those that were not unloaded. They were on the cars from thirty to thirty-five hours. The apparent violation of the law there is explained by the fact that our legal department ruled that the law did not apply to shipments from a State to a Territory. A slight extension will enable the greater part of the business to get to market, and the injuries will be practically none.

The improved stable car is quite a factor in the humane treatment of cattle. We are compelled to be humane, even if we were not so inclined, on account of the fierce competition between carriers for the business.

The loss of cattle in going to market—I mean those taken out of the cars dead—is not one one-hundredth or one two-hundredth of 1 per cent. Rarely do you ever see a dead animal in a car nowadays. It is the rare exception.

Mr. STEVENS, of Minnesota. Do you give instructions to your trainmen to unload according to the direction of the shippers when they are reasonable?

Mr. GALBRETH. Yes, sir; we are guided entirely by them, provided their wishes are not at variance with the law.

Mr. STEVENS, of Minnesota. I say, when their requests are reasonable.

Mr. GALBRETH. Yes; we will unload them every 20 miles if they want them unloaded.

TESTIMONY OF JOHN K. ROSSON.

Mr. ROSSON was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. ROSSON. John K. Rosson, Fort Worth, Tex. I am in the live-stock commission business.

The CHAIRMAN. Will you make a statement in regard to this matter to the committee?

Mr. Rosson. I will state that I have been engaged in the railroad and live-stock business for the past twenty-two years. I have had a varied experience. I used to purchase cattle and to accompany them to market myself, at the time when Mr. Levering has spoken of the crude manner in which cattle were handled, back in 1882, for instance, when they had these wood-burning engines, and short cars, 26 to 30 feet in length. We then shipped cattle by the carload instead of by the hundred-pound weight, and we loaded in as many cattle as we could, to save the expense of shipping. In those days we were from five to eight days in going from Fort Worth, Tex., to Chicago, and we unloaded as many as five to six times. As a rule, our cattle arrived in market in very bad shape, on that account. The cars were coupled with these links and pins and in starting and stopping the train it was very hard on the cattle. I have been with my cattle at times when we had as many as three killed on one hill, where the engine was stalled and it would jerk the cattle down and break their necks.

The CHAIRMAN. Of course we are more interested in the methods of to-day.

Mr. Rosson. I am coming to that.

In recent years they have had these patent cars, 36 feet in length, and practically 1 foot or $1\frac{1}{2}$ feet wider than the common car of that length, and with springs that are very different from the old rubber springs that we had in those old days; and the cattle ride differently altogether. We load in Texas 22,000 pounds as a minimum weight. You can load as much more as you please, but you have to pay for the weight at the rate.

I was connected with the M., K. and T. Railway as live-stock agent for eight years, and I will say that all the claims that we had to pay on live stock in those days, or practically all of them, were where the cattle were overloaded, showing that the shippers had failed to perform their duty as they should, and caused probably cruelty to their animals on that account.

You can load 22,000 pounds of steers of a thousand pounds weight in a car to-day and there is plenty of room in the car for the animals to lie down and rest at their will; and in many instances you will find as many as six or eight steers lying in the car resting, just as though they were on the prairie.

I do not think that the cattle loaded in that manner ever get crippled in the car or bruised, for the reason that the cars are coupled closely together, as passenger trains are, and all the cars of a train start together. The cattle are not jerked down over each other, as they formerly were, and of course they are prepared to stand the trip.

I think that thirty-six-hour law would be much more humane than the twenty-eight-hour law as it stands to-day, for the reason that the railroads can not make the markets in the time prescribed.

I will recite an instance that happened last June: Mr. J. K. Burr, of Eagle Pass, Tex., shipped 16 cars of cattle to my firm. I happened to be down there, and I loaded those cattle for him myself, and came into San Antonio with them. The Southern Pacific consumed ten hours and thirty minutes from Paloma to San Antonio; and the M., K. and T., or any other line out of San Antonio, requiring eighteen

hours to Fort Worth, and terminal three hours, would make thirty-one and one-half hours to get cattle to Fort Worth. Therefore they had no place to unload them between San Antonio and Fort Worth, and they had to unload the cattle at San Antonio, after being on the cars ten hours and thirty minutes, and then take them off again at Fort Worth, causing this man to miss the market altogether at Fort Worth, and having to send those cattle on to St. Louis. They went to Kansas City, and got in there on Saturday, when they should have been there, if they had gone through with one feed, on Thursday instead.

I believe, as the most of these people do who have testified here this evening, that it is not only an injustice and an injury to the cattle to have the present law continued, but that it is much more inhuman to take these cattle off the cars every twenty-eight hours without any relief whatever from the law than it would be to run them thirty-six hours.

On that same proposition, I do not believe that the railroad company would take any advantage whatever of the fact that they had thirty-six hours to deliver these cattle to the destination. Having had some experience along that line, I will say that we always made a special effort to get our live stock to destination as quickly as possible. In fact, we handled almost every train under special wire, and they do that to-day.

With reference to sheep, I believe that sheep could be run two or three days and nights without unloading, as far as water is concerned, without hurting them. With feed it might be different. They can not feed sheep properly in cars. And calves should never be unloaded from the time they are loaded until they have reached their destination and market, for the reason that they do not eat or drink anything. They are entirely shrinking, and they stand around the pen and bawl. The hogs, as you have heard testified, are more comfortable in the car than outside at a feeding station.

One gentleman said here that sheep would eat the wool off each other's backs, and I expect that is true. I will say in that connection that in Texas, where I live, you can travel along the railroads in the fall of the year, when they are gathering cotton, and you will see the town cows eating cotton out of the bales. They do not have to do that; there is plenty of grass and weeds around the town, and they are probably fed, because they are milch cows, and yet they will eat the cotton out of the bales.

The CHAIRMAN. They are probably trying to wrap the butter in a cloth. [Laughter.]

Mr. Rosson. Yes; so that you will see that it does not prove that the sheep eats the wool because he is hungry.

I was going to say something about the transportation of cattle in Mexico, but that does not interest you, I suppose. I will just mention, however, that the same conditions exist in Mexico to-day that we had here thirty years ago in the handling of cattle in transit. They have the same old cars that we had; and if the Humane Society people will go down there and investigate, they will know how the cattle were handled thirty years ago.

I have fifty letters from the stockmen of Texas that I would like to leave with the committee.

TESTIMONY OF W. J. BRYAN, ESQ.

Mr. BRYAN was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. BRYAN. W. J. Bryan, Abilene, Tex. I am in the cattle business, and, on the side, I belong to the Texas legislature. [Laughter.]

The CHAIRMAN. You have testified before this committee before, have you not?

Mr. BRYAN. No, sir; I have not. I have been in the city for a few days, but I have not been before the committee before.

Gentlemen, there are, according to my opinion, but two questions involved in this subject. One of them is the manner and method of handling the live stock of this country. To that side of the question my friends on my left here are interested. That is the humanitarian side. The next question following would naturally be the business end of the proposition. That would concern the profitable way to handle these cattle and the way to get them to market.

I do not want to worry you, gentlemen, and I will just run over a few things that possibly have been overlooked. I want to state to you that in the early days of Texas, when we were out on the range, it was quite common that cattle would come to water only every other day. The facts are that the Texas cow—and these old cowmen know it—if your range is not well watered, will only come in about every other day. Hence, in transit, the cattle from Texas to market are not going to suffer for water.

The cars are now fashioned so that you can place hay in them, and if they wish to feed, they can be fed.

I want to state to you that there are old Texas cow punchers that are here before me that would make creditable honorary members of this humanitarian society. Gentlemen, these people, from studying the market, have learned that it is necessary to preserve the meats to dehorn nearly all of their cattle. You can take from the ranch that we own and ship those cattle up here into any of the pens that are undehorned and you find the feeders do not want them. And why? Because they have punched one another and hooked one another around. When these men go to ship, they go to their cars and see that the cattle are well bedded; they go to the railroad men that are loading those cars, and they see that there are no nails or long spikes in the poles to punch those cattle in there. They overlook all that part of the business at that end of the line. And why do they do so? They know that the expert buyers when they throw their eyes on the Texas steer as he turns up at Chicago or St. Louis on exhibition, if he is prodded up, it means from a half to a quarter of a cent taken off of him; and it creates a loss back to the man that is either a speculator or a producer. I am a producer myself. That being true, these people have learned to give very careful attention to their herds. A man would be discharged from the ranch who would practice cruelty; and there is no bunch of men that attend with better care to their cattle than the men that are indulging in that business. If you gentlemen that are in Congress could go and place your money in a train load of cattle, and could place it on the trains in Texas destined to some market, and you were forced to unload that train twice before

you reached the place of destination, and then, on the other side, shipped that train through with but one unloading, when you got your returns. I want to say that you would recognize the trouble and the cost to the man who has to go up against the twenty-eight-hour proposition.

I do not think that it is necessary, nor do I wish to keep you gentlemen here. In Texas I have sat in committees, and I know how tired you are. But I thought I would run over just a few of these propositions, these little things that had not been noted, and then dismiss the thing from my mind, because I think you are going to report this bill out. I believe every one of you are ready now, as a subcommittee, to recommend that the time allowed in transit should be extended to thirty-six hours.

The CHAIRMAN. Of course, being a member of a legislative body yourself, you know that your belief has nothing to do with the subject. [Laughter.]

Mr. BRYAN. I presume not. At any rate, I have learned to presume not. [Laughter.]

From my home town, Abilene, to Fort Worth is ten or twelve hours' run. If we wish to go to St. Louis, we can run there if we choose, unload, and load the morning that we are to be in St. Louis, nominally, and we can figure that we may have some bad luck. But if we have got to run and take off the cattle in twenty-eight hours, with any kind of bad results, it means two unloadings before we reach that market.

I think that the shipper ought to have the right of electing Kansas City, if he wants to go there, and St. Louis, if he wishes to go there, because those should be competitive markets. They may be in a trust; I do not know; but that should be a privilege at home; and if we find that we can reach those places better under the thirty-six-hour run, why, I am sure that the committee of this Congress would feel like giving it to us.

As an evidence that that is the proper law, and should be for a series of years, during the twenty years that I have known the cattle business there has never been a question but what the cow man had the right to take his cattle to market and be on the train thirty-six hours, if necessary, or forty; because when you throw a herd of Texas cows upon your doorway, and they come hopping out, snapping a rib or being crushed, and running to and fro against the pens, the facts are, unless you have a large pen, that they get very little rest. You can not rest wild cattle any more than you could a wild bear tied up in one of those pens. They are moving continually and are really, for a certain length of time, better off in the cars, I think, because there they have the riding space, they swing with the cars and get their exercise, and they come out of there, unless it may be the animal that may be next to the outside of the car, where he is probably pushed up against it in some way—they come out of there without any injury, as you gentlemen well know.

There is much that I could say on this question, but I think it is unnecessary to worry you, gentlemen, further. I thank you for your attention.

The CHAIRMAN. I assure you that you have not worried us at all, and I am sorry that we did not call you earlier.

TESTIMONY OF H. C. ABBOTT, ESQ.

Mr. ABBOTT was duly sworn by the chairman, and testified as follows:

The CHAIRMAN. State your name, residence, and occupation.

Mr. ABBOTT. H. C. Abbott, Springer, N. Mex. I will state that I am a sheep and wool grower, and I have been identified with the raising of sheep, the shipping of lambs, and the handling of sheep for twenty-nine years. I am going to go back a little ways, but I shall be brief.

In 1887 I bought 20,000 sheep at Trinidad, Colo., and loaded a train in single-decked cars, put hay on top of the cars, and started for Kansas City. About every hundred miles I would get out and take down a bale of hay and scatter it through and feed the sheep. I reached the destination, and I found the hay mostly was lying in the bottom of the cars. I returned and made a second shipment, and then I went to the general freight agent of the Santa Fe Railroad and asked him if he would not double-deck six cars of mine. He said that he would. That was in 1887. I put in the double decks in six cars, and in 1887 and in 1888 I continued that business of shipping, and I found that in all of those shipments the feeding and the watering of sheep counted but little. At Dodge City I made an arrangement—at that time we had to pay our freight in advance—and engaged to take them out of the stock yards, so that we could graze them. After we overcame that, we shipped our sheep successfully.

There is one point that has not been touched on. We raise sheep in New Mexico, and our sheep none of them go to Kansas City, Chicago, nor Omaha. They merely go to the lamb feeders of Colorado. Near Denver, within a radius of 200 miles, there are 1,000,000 sheep on feed; 800,000 of them are lambs. Mr. McKenzie has stated to you that a calf should never be let out of the car. The condition is exactly the same with the lamb; 800,000 lambs are on feed within a radius of 200 miles of Denver—

The CHAIRMAN. You say "on feed." They are on grass, do you mean?

Mr. ABBOTT. They are in feed lots, on alfalfa, and corn. These lambs are grown, you might say, in Utah, and principally for Colorado in New Mexico. I loaded in the months of October and November 121 double-decked loads of lambs, which were distributed within a radius of 200 to 500 miles. The point is this—

The CHAIRMAN. Were those lambs that you had raised?

Mr. ABBOTT. We raised perhaps 20,000 of them, and the balance we bought from different parties, and we sell them to perhaps 50 different feeders. At our ranch 50 men who are feeding sheep in Colorado come and receive their shipments, and we put them on board the cars, and they take them to their feed lots.

The CHAIRMAN. These are spring lambs?

Mr. ABBOTT. They are born in May and sold in October. They are fed alfalfa, corn, peas, and different feed. From there they are shipped to Chicago, Kansas City, St. Joseph, and the river markets.

The point is this: I would like to state here, one time in particular,

I had a shipment of sheep at Alamosa on the D. and R. G. road, merely 20 cars. We loaded them and took them down at Laveta, a six-hour run, and arrived there at 8 o'clock at night, and there were not men enough connected with that railroad to unload those sheep from the narrow-gauge and put them into the double-decked cars, and we had to stay right there from 8 o'clock, and had to let them remain standing in the car until daylight, until we could make the transfer. These men who buy these lambs are small feeders and farmers, and they come to us and say: "We want to buy 2,000 lambs." And we say to them: "So much a head." They figure right off: "If we buy these sheep, we have to go by Denver and stop right there and feed within 100 miles of our own feed lot." If this law was extended to thirty-six hours, we could place 500,000 sheep from New Mexico in the feed lots without unloading. To take a lamb away from its mother and put it on board the cars and stop at Denver and at intervening points and feed is one of the most absurd things that I ever heard of.

Mr. RYAN. Will they feed at those places?

Mr. ABBOTT. No, sir.

The CHAIRMAN. A lamb that is born in May has by October learned to drink water and eat grass, has it not?

Mr. ABBOTT. Yes, sir; but you take a bunch of lambs weighing 50 pounds to-day, and the first two weeks you feed them on corn and alfalfa they do not gain a pound. It is impossible.

The CHAIRMAN. Is there not the same impossibility with sheep, taken under the same circumstances?

Mr. ABBOTT. With sheep? No, sir. Sheep will commence feeding earlier, right off; but they will not gain for ten days. There is no experimental station in the whole country but what has found that you take sheep right off from range conditions and put them in the pens and feed them corn or alfalfa and they will not gain one pound the first ten days.

The CHAIRMAN. Will the sheep eat if it gets hungry?

Mr. ABBOTT. The sheep will, the second day.

The CHAIRMAN. The question is whether it will suffer from hunger.

Mr. ABBOTT. The point is this: We are producers. When the feeders of the country come down and buy lambs of us they figure what it will cost them to land the lambs at their feed lots. Every time they unload in Denver it is \$20 on every car of lambs; and that comes out of the men that raise the sheep on the prairies.

Mr. RYAN. Tell us something outside of the financial interests. You are talking about the money invested and the profits in the business. We are talking about the humane side of it. Tell us a little about that part of it.

Mr. ABBOTT. Really, there is nothing that injures that lamb—that is, that lamb taken away from its mother and put on board the cars is much better off in that car for thirty-six hours or forty-eight hours than it is unloaded. You put it down in a feed lot, where they try to feed it, and it will not eat. But by extending this law to thirty-six hours it will cover our situation there, where at least one-fifth of all the lambs on feed in the United States are. A million are on feed in Colorado.

The CHAIRMAN. You think it is better to have the law extended to thirty-six hours, then?

Mr. ABBOTT. Yes. It is a matter that affects every feeder of sheep in Colorado.

The CHAIRMAN. It is better to get the lambs into the feed lots of the farmer at home as quickly as possible rather than to turn them over to the tender mercies of the cormorants at Denver?

Mr. ABBOTT. Yes, sir. What Mr. McKenzie stated to you to-day as to the care of calves applies with equal force to lambs. The same thing is good for them. Really to-day the sheep feeding has come right down to lambs, nothing else.

Mr. RYAN. And the principal feeding points are there in Colorado?

Mr. ABBOTT. Yes. I come here as a representative of the National Wool Growers. Fifteen hundred of them sent Mr. Knollin and myself and two other gentlemen here. Outside of that, you take, for instance, four States—Idaho, Montana, Wyoming, New Mexico—and they contain 35,000,000 of the 45,000,000 sheep in the United States. The extension of this twenty-eight-hour law to thirty-six hours will cover our needs. It will be a great benefit to every shipper and woolgrower in the United States.

Mr. RYAN. And will not be injurious to the sheep?

Mr. ABBOTT. No, sir. I presume in twenty-nine years I have spent every year two months in just loading and unloading sheep. I merely come down here as a practical man that has followed that business and nothing else from the time I was 4 years old.

These men that feed these sheep are farmers, and a man who puts his own money into a bunch of lambs is going to take good care of them. We do not own these lambs. He himself contracts with us, and we put them on board the car. Do you think that that man, who has his last dollar invested in these lambs, will take them and be cruel to them? It is absurd. He handles them with silk gloves. [Laughter.]

Mr. RYAN. He treats them as well as he does his children?

Mr. ABBOTT. Yes, sir. I believe there is nothing more that I need say to the committee, but if there are any questions that any members wish to ask me I shall be very glad to answer them.

TESTIMONY OF S. H. COWAN, ESQ.—Continued.

Mr. COWAN. Mr. Chairman and gentlemen: For the purposes of the record I desire to hand the stenographer the memorial which was sent out in the mail to shippers throughout all of this western country west of the Mississippi River and to some States this side. These gentlemen simply answered and returned these memorials, and the list was taken, without the knowledge of the men, from the various stock-yard companies where the commission firms have a list of the shippers of the country and from the railroad companies.

The CHAIRMAN. Do you want us to publish all these memorials?

Mr. COWAN. No, sir; I am just handing them to the stenographer.

The CHAIRMAN. I am just trying to get at whether it is necessary to publish the memorials with the lists of names?

Mr. COWAN. No, sir; I just hand the blank memorial to the stenographer for the information of the committee.

I will say that there are about 6,000 signatures, where the gentlemen have stated their post-office addresses and the amount of live stock that they handle and the business that they are in.

The CHAIRMAN. Can you give us the sum of that?

Mr. COWAN. No, sir; I have never tried to figure it up. I know it contains the principal shippers throughout all the country west of the Mississippi River and a great many from Iowa, Illinois, Indiana, Michigan, and all of the States and Territories in the Southwest and Northwest.

The CHAIRMAN. I suppose the purpose of that is to show that the live-stock interests generally are in favor of this proposition to extend the time of transit to thirty-six hours?

Mr. COWAN. That is the purpose.

The CHAIRMAN. Do you know of any person interested in the production or shipment of live stock who is opposed to the extension?

Mr. COWAN. Not a single man.

Mr. STEVENS, of Minnesota. How far were these names secured by the railroad companies, or at their instigation?

Mr. COWAN. Practically not at all.

Mr. STEVENS, of Minnesota. What do you mean by that?

Mr. COWAN. I mean to say that the railroad companies furnished the list—the commission companies furnished the list, the names of shippers, with their addresses, and those memorials were prepared and acted upon at Chicago at a large meeting of the stockmen there and sent out in the mail to these gentlemen whose addresses we had, with directions to sign and return them.

Mr. STEVENS, of Minnesota. How far have the railroads exercised any persuasive influence to have these memorials circulated or signed?

Mr. COWAN. I do not think any at all. The railroads want the extension of the time.

Mr. RYAN. If the time is extended, do you think the railroads will deny the request of any shipper to unload, if he thinks it is advisable?

Mr. COWAN. They can not do it under the common law. We have had those cases tried many times.

The CHAIRMAN. As I understand it, it is the law absolutely that if a shipper of live stock demands of the railroad company that stock be unloaded at a convenient point within a reasonable time, and the railroad company does not comply with the demand, it is responsible for the damage?

Mr. COWAN. Absolutely. The twenty-eight-hour law does not affect the common law one iota. With respect to the liability of the railroad company for damages and for reasonable handling of the live stock for reasonable speed, it affects it in no sense whatever; and that has been repeatedly so decided.

The CHAIRMAN. By the courts, you mean?

Mr. COWAN. Yes, sir.

Mr. STEVENS, of Minnesota. The point I had in mind was, it has been charged, more or less, that the railroad companies were extremely anxious that this bill should pass and that the time be extended, and I know that Judge Cowan has appeared before our committee in opposition to the railroads whenever his duty required him to.

The CHAIRMAN. When he had the opportunity, which has been often. [Laughter.]

Mr. STEVENS, of Minnesota. I want to know, with all of his experience, how much influence the railroads exercise in compelling testimony to come before this committee in favor of this bill or in circulating these memorials and getting them signed and adducing evidence before this committee in favor of this bill.

Mr. COWAN. So far as I know, none; and I think I know.

The CHAIRMAN. You are the attorney for what association?

Mr. COWAN. For the Cattle Raisers' Association of Texas and for the American National Live Stock Association.

The CHAIRMAN. Is that the association that has just had a meeting?

Mr. COWAN. At Denver?

The CHAIRMAN. Somewhere out there.

Mr. COWAN. Yes, sir.

The CHAIRMAN. Did that association pass any resolutions upon this subject?

Mr. COWAN. It unanimously passed resolutions.

The CHAIRMAN. Are you going to present those now?

Mr. COWAN. Yes, sir. One of the resolutions was the general resolution first presented to the American National Live Stock Association. The other was the result of a conference between the committee appointed by the American National Live Stock Association and a committee appointed by the National Wool Growers' Association to see if they could agree upon the principles to be embraced in the bill. The question of speed limit, having been brought up theretofore, was the only question on which there was any discussion, and there was a unanimous agreement by the two committees, that was reported back to the American National Live Stock Association and in the form of a resolution indorsed unanimously, with not a single man objecting to it.

Mr. RYAN. What did that say about the speed limit?

Mr. COWAN. It does not say anything.

Mr. STEVENS, of Minnesota. The question of speed limit was discussed?

Mr. COWAN. By the committee; yes.

Mr. STEVENS, of Minnesota. But no resolution was adopted as to it?

Mr. COWAN. Not with respect to that.

The CHAIRMAN. What is the American National Live Stock Association?

Mr. COWAN. The Cattle Raisers' Association of Texas comprises about 1,700 members of the principal cattle growers throughout the southwestern country, including Texas and the adjacent Territories, the States of Colorado and Kansas, with quite a sprinkling of those engaged in the business throughout the country north thereof. The American National Live Stock Association is the Consolidated American Stock Growers' Association and the National Live Stock Association, which is an organization of producers only. The membership is composed of individuals in the first place, and of the associations in the various States in the second place; and those represent the Texas association, the Iowa Corn Belt Meat Producers' Association, the Kansas association, the Colorado association, the South Dakota association, and several others, the names of which I can not recollect, but which can be furnished if it is necessary. At all events,

it speaks for the interests of the live-stock producers of the West upon authority from them so to speak.

The meeting of both associations which was held a year ago at Denver and every previous meeting that has been held by the National Live Stock Association unanimously adopted resolutions in favor of extending this time limit for transit. I have been present at all these meetings, and at no time was there ever a voice raised against it. Mr. Whitehead is the only man that I have ever heard say in my life that stockmen opposed that proposition, except one man that used to be in the stock business, and he is on the board of the humane society at Denver. I am not questioning Mr. Whitehead's word, but I am mentioning that that is the only time I have ever heard of it.

Mr. WHITEHEAD. That is not exactly what I said.

The CHAIRMAN. What you said is in the record.

Mr. WHITEHEAD. They do not care, I say. They think twenty-eight hours is long enough, but they do not care enough about it to oppose the extension.

Mr. COWAN. That is the case with a great many people who live within a narrow circle of the market.

The memorials which were prepared came about in this way: The Texas Cattle Raisers' Association, realizing that the railroads were interested with the stockmen in desiring the extension of time, communicated with some of the traffic managers of the railroads at Chicago, asking if they would join in the movement. The American Stock Growers' Association and the National Live Stock Association did likewise. So that there was a joint movement made for the purpose of getting the time extended, in which the railroads were simply solicited to lend their aid.

The railroads furnished these lists. They have been perfectly willing to furnish any statements that might be desired in that particular. Mr. Galbreth is a member of the Texas Cattle Raisers' Association and was requested to come here by me personally, because I knew that he knew a great deal about it.

Previously, at another session of Congress, the bill which passed the House was defeated in the Senate, simply because there was not enough effort and strength behind it. The gentlemen on the Senate committee who turned the bill down would not have done so, I am sure, had the railroads said that they wanted it. But the railroads had not said anything about it, so that we thought it was best to get the strength of everybody who is interested in it.

I believe the railroads are interested in the welfare of their shippers; but the damage claims against the railroads, which were brought about by the enforcement of the twenty-eight-hour law, were reminders. Mr. Galbreth will bear me out in this. A man who was damaged wanted to get it back from somebody, and if he was damaged by having to unload, he might bring suit for damages or put in a claim; and if there was any sort of negligence on the part of the railroad company, either in furnishing cars or in the matter of unloading or anything like that, oftentimes those claims were put in, when, if the thirty-six-hour law had existed, the live stock would not have been damaged.

That is all that I have to say, gentlemen. I undertake to say that here presented before you are the actual representative shippers from all these States, who know what they are talking about. I do not

believe that their testimony could be controverted by anybody who knows the conditions; and until it is done we feel that we have made our case.

All of these men who have testified before you met at the hotel last night, and they took the bill which has been reported by the Senate committee—the Heyburn bill—and agreed that it would be satisfactory to them to strike out the two sections which refer to the speed limit, and that otherwise the bill is satisfactory; and they went and so reported to Senator Warren, who, with Senator Heyburn—

The CHAIRMAN. We do not care what the Senate agreed to.

Mr. COWAN. I understand.

The CHAIRMAN. You can make that statement to the Senators.

Mr. COWAN. But it seems to me that it is important for you to know that we have agreed that, so far as the speed limit is concerned, we are not pressing that.

The CHAIRMAN. You can make any statement that you please about that, but what you have said to a Senator we can not use, and hence we do not care for it.

Mr. COWAN. Very well. I thank the committee for the courtesies they have shown us. I do that on behalf of the stockmen not only at this hearing, but at previous hearings.

Mr. STEPHENS, of Texas. Explain to the committee that the bill pending before the House does not change the law relative to the time which the railroad company is permitted now to let the stock remain upon the car—that is, the twenty-eight hours—but it extends it on the written request of the owner or shipper—

Mr. COWAN. They understand that. My previous statement contains all that I need say. Therefore I will not go into the matter at all. It would burden you, and I do not intend to do so, except to introduce these documents.

I want to call attention to one document which Mr. McKenzie forgot to file, which is a resolution passed unanimously by the National Association of State Sanitary Boards. Presumably they will look after those things from an official standpoint. They held a meeting at St. Paul and passed unanimously the resolution which Mr. McKenzie filed in connection with his testimony.

(The papers referred to in the above remarks of Mr. Cowan are as follows:)

A MEMORIAL.

To the Congress of the United States:

The undersigned hereby petition your honorable body to so amend section 4386 of the Revised Statutes of the United States that it will not hereafter require that live stock shipped by rail be arbitrarily unloaded at the end of twenty-eight hours, but that the time within which the shipper may not be compelled to unload be extended to thirty-six hours, exclusive of the time of loading and unloading, and as grounds for such petition we respectfully represent:

First. That it is injurious and hence inhuman to live stock in transit to market to unload them and reload them every twenty-eight hours when it can be avoided by four to six hours' further time in transit. The important fact that for the most part these animals are being shipped to be killed as quickly as possible excludes considerations of their future welfare. The greatest injury to live stock in their transportation may, and often does, happen in the matter of loading and unloading.

Second. It oftentimes happens that the condition of the weather and the stock pens accessible renders it an act of the grossest inhumanity and cruelty

to the animals to be compelled to unload them, as now required by law, at the end of twenty-eight hours.

Third. It is a fact perfectly well known that the better live stock are treated in transit the better will be their condition on their arrival at destination, and since the shipper or some one representing him usually accompanies the live stock as an attendant to look after their welfare, the law should leave it to the shipper's discretion to direct the care that is to be taken of the animals, rather than to arbitrarily compel the railway company and the shipper to unload the same against their judgment when a few hours' further transit will put them at their destination. The matter can always be better judged from the circumstances as they come up by one on the ground whose self-interest it is to treat the animals as well as possible.

Fourth. The expense incurred in being compelled to unload when within four to six hours of destination is a dead loss; it requires a much longer time en route; it places the cattle in strange pens and surroundings, causing a consequent shrinkage in weight, and therefore a loss to the shipper, with no benefit to anyone; it compels the shipper and the railroad to perform a service, supposedly for the benefit of the live stock, when experience and judgment can always be more safely relied upon.

Fifth. The differences in distance between the principal markets of the country in the direction of the live-stock movement and between the principal points of reshipment are 500 to 600 miles, dependent upon the line of road, and it is not usual that the live stock can be received, transported, and delivered that distance within twenty-eight hours, but as a general rule thirty-one hours or more are required. Experience has shown that it is better for the animals from every standpoint not to unload where such runs can be made within five or six hours' longer time.

Sixth. This time was fixed at twenty-eight hours by the enactment of the foregoing section of the statute in 1873, when there was comparatively little experience in the shipment by rail over long distances and when the conditions were entirely different to what they are to-day. The markets and market conditions on the railway lines mainly engaged in the service of transporting live stock did not then exist.

Seventh. The proposed change in the law is not in order that the live stock will compulsorily be retained upon the cars thirty-six hours, but only in order that it may be left to the shipper when accompanying the live stock or when not accompanying the live stock to direct the carrier to unload or not, according as the circumstances shall require, keeping in mind, as the shipper must for his own interest, the welfare of the live stock during such transportation.

Neither is it intended nor will it have the effect to relieve the railway companies from their obligations at common law to use reasonable diligence in the transportation of live stock respecting the speed at which they are transported and otherwise the care which the law obliges them to take of live stock in transit.

Your petitioners therefore pray that said section of the statutes be amended as above, extending the time from twenty-eight to thirty-six hours.

Name.	Address.	Years in business.	Annual amount of shipments.

Resolution unanimously adopted at the annual convention of the American National Live Stock Association, held at Denver, Colo., January 30, 31, and February 1, 1906. Offered by I. T. Pryor.

Whereas there is now pending in the Fifty-ninth Congress of the United States a bill amending section 4386 of the Revised Statutes of the United States, extending the time in which live stock in transit may remain on board the cars without penalty from twenty-eight hours to thirty-six hours, exclusive of the time required for loading and unloading; and

Whereas the enforcement of said law as it now stands is an unwarranted hardship and unnecessary punishment to live stock, works a serious loss to the shipper, and is an unnecessary expense to the transportation company handling same; and

Whereas this amendment in no wise lessens the liability of railroad companies under the law in the performance of an efficient service with due diligence and dispatch, and which requires them to respond to the shipper in damages upon failure to do so; nor does it enable them to consume any longer time than now required over the same distance; and

Whereas from actual experience and observation in the transportation of live stock over the various lines of railroad, we know and assert it to be a fact that the frequent and unnecessary unloading and reloading of live stock, made necessary by the present twenty-eight-hour law, is positively inhuman; in fact, such unloading and reloading must of necessity be done by force, which is attended always by unavoidable punishment. To which facts we urge careful consideration by all persons interested: Therefore, be it

Resolved by the American National Live Stock Association, That Congress be, and it is hereby, urgently requested to give said bill favorable consideration, thus affording shippers of live stock the relief asked for, to the end that the unnecessary punishment of live stock may be lessened.

Attest:

T. W. TOMLINSON, *Secretary.*

At the annual meeting of American National Live Stock Association the following report of a conference committee was adopted and recommendations concurred in:

Report of conference committee on twenty-eight-hour law to Murdo Mackenzie, chairman, and the executive committee of the American National Live Stock Association..

Your committee, appointed to confer with a similar committee appointed by the National Wool Growers' Association with respect to the matter of preparing a proper bill for the amendment of the twenty-eight-hour law, beg to report as follows:

After a conference with the said committee we unanimously agreed with them as to the following amendment to section 4386 of the Revised Statutes of the United States, in the form of a proviso, which is as follows:

"Provided, That upon the written request of the owner, shipper, or the agent of either, made to the initial carrier or any carrier transporting such animals, the time in which they may be permitted to remain upon the cars, boats, or vessels without being unloaded for rest, food, or water may be extended to thirty-six hours, exclusive of the time for loading or unloading: Provided, That in the case of sheep the same shall not be required to be unloaded in the nighttime, but may be carried on to a suitable place for unloading."

And we recommend that the following resolution be adopted, and we request of the National Wool Growers' Association a concurrent adoption of said resolution, namely:

Whereas the conference committees of the American National Live Stock Association and the National Wool Growers' Association have agreed upon the foregoing amendment to the present twenty-eight-hour law: Be it therefore

Resolved, That the American National Live Stock Association in convention assembled at Denver, Colo., February 1, 1906, recommend that Congress amend said section of the Revised Statutes of the United States by adding the aforesaid proviso thereto.

H. A. JASTRO.
M. K. PARSONS.
S. H. COWAN.

A correct copy.

T. W. TOMLINSON, *Secretary.*

The CHAIRMAN. I have a couple of letters here, one from Swift & Co. and one from Nelson Morris & Co., packers, which I wish to have put in the record. Also, a letter from Mr. Shortall, president of the Humane Society of Illinois, which I want to go into the record.

(The letters referred to are as follows:)

SWIFT & Co., UNION STOCK YARDS,
Chicago, January 18, 1906.

The Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

SIR: The question of the extension of the so-called "twenty-eight-hour law," governing the shipment of live stock interstate, is a matter of great concern to the live stock industry.

The law was designed to secure for live stock protection against neglect in transit, and however it may have met conditions at the time it was framed, it is certainly now wholly inadequate to secure proper treatment of live stock on the way to market.

Breeders and shippers of live stock are humane men immediately interested in seeing that their shipments arrive at the market in the best possible condition, and in their efforts to secure the comfort of their stock they are by this law often compelled to unload against their best judgment and to the damage of the stock, whereas the extension of the limit but a few hours will enable them to reach either a suitable unloading point or a market without hardship or damage.

There is always danger that the live stock will be bruised and injured by loading and unloading, and there is far greater danger of damage in this way than in the continuation of a shipment after the live stock is once well loaded and settled.

The matter has been thoroughly discussed by all parties in interest, and it is the consensus of opinion among live stock men, commission merchants, and packers that losses can be minimized without any danger of hardship to live stock by the extension of the time limit from twenty-eight hours to thirty-six.

Bruises materially depreciate the selling value of live stock. The marketing of bruised animals has become a serious question, and we sincerely hope that some rule fair to all will be adopted whereby losses from this source can be minimized. We believe that the opinions of shippers should be given great weight in the settlement of this question.

Yours, respectfully,

L. F. SWIFT.

NELSON MORRIS & Co.,
BEEF AND PORK PACKERS, LARD AND OIL REFINERS,
Chicago, Ill., January 18, 1906.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We write to request you to kindly lend your influence to the passage of the Stephens bill, being a proposed amendment of the law of 1873 relative to the transportation of cattle. The original act, at the time it was passed, was a humane and salutary provision, but since that time the method of transportation has undergone great changes and become highly improved, so that the conditions that existed at that time and justified that act do not exist now, and its provisions ought to be amended accordingly. Railroad companies are to-day able to transport cattle on a straight haul of from thirty-six to forty hours with less inconvenience and injury to the cattle than in 1873 they were able to transport them for less even than twenty-four hours.

As a matter of fact, the injury cattle receive in transportation is due more to jostling and bruising at terminal points, in switch yards, and in the loading and unloading of the cattle than to any inconvenience they suffer when on a straight run.

The loss in weight of cattle is a very certain index of the effect of transportation, and we think it is safe to say it is the observation of all connected with the transportation of cattle that cattle shrink more in traveling a certain distance if they are switched and unloaded at frequent intervals than they do when they are continued on the rail for a reasonable time.

From our experience we are of the opinion that a law providing for the unloading of cattle every forty hours instead of every twenty-four hours would be not only a great saving in value to the shipper, but necessarily as well a more humane treatment of the stock, and we hope you will do what you conveniently can to promote the passage of the proposed amendment.

Thanking you in advance, we are, very truly, yours,

NELSON MORRIS & Co.
By M. W. BORDERS.

THE ILLINOIS HUMANE SOCIETY,
Chicago, February 14, 1906.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: We beg to acknowledge the receipt of your esteemed favor of the 8th instant, and to thank you for the information it contained regarding the hearing in the matter of the extension of the twenty-eight-hour law before the Committee on Interstate and Foreign Commerce, to be held February 20, etc.

Yours, very respectfully,

JOHN G. SHORTALL, President.
Per A. H. S.

The CHAIRMAN. I wish to ask if there is anyone else here who desires to be heard in behalf of any of the humane societies?

I wish to state that I notified Doctor Stillman, the president of the American Humane Association, not only of the meeting to-day, but of the former meeting which was held on the 23d and the other one which was held on the 30th of January, so that there will be no question about his being closed out.

Is there anyone else who wishes to be heard upon this matter now?

Mr. RYAN. On either side.

The CHAIRMAN. If there is no one else that desires to be heard, there is nothing further before the committee and the committee will adjourn.

I wish to express, on behalf of the committee, their thanks, both to the stockmen and to the members of the humane society, for the information which they have afforded the committee upon this very interesting subject.

(Thereupon, at 5.45 o'clock p. m., the committee adjourned.)

A protest to the honorable members of the Senate and House of Representatives of the United States, by the American Humane Association, against the proposed extension of the statutory limit of twenty-eight hours, during which live stock in transit may be confined in cars without food, water, or rest.

GENTLEMEN: On the 3d day of March, 1873, Congress passed sections Nos. 4386, 4387, 4388, and 4389, of the Revised Statutes, in which it is provided:

"SEC. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, * * * shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. * * *

SEC. 4388. * * * "But where animals are carried in cars, boats, or other vessels, in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply."

1. At the time the law was passed, it is believed no cattle, sheep, or hogs intended for market had ever been transported in cars furnishing the accommodations and facilities called for in the last paragraph. All had been, and for several years after the enactment of said sections, were driven on foot or transported to market in common, old-fashioned box cars.

2. At the time of the passage of this act, cattle intended for market were divided into two classes: First, domesticated cattle, or those reared upon cultivated lands; and second, range or wild cattle. The former were docile and in transportation comparatively easily handled. The latter, forming the great bulk of cattle raised west of the Mississippi, were wild and hard to handle.

Since that time great changes have taken place in range cattle, brought about by continued crossbreeding with domesticated strains, association with and frequent handling by men, and by the reduction of the cattle ranges. Through these influences the old, long-horned breeds have almost wholly disappeared, and the range cattle now seen in our stock yards and on our railways can hardly be distinguished, by appearance or action, from domesticated cattle reared upon our cultivated lands. At the time of the passage of these laws, as cars furnishing water, food, and rest while in transit were unknown, transportation companies were compelled by this act to establish cattle yards with facilities for feeding, watering, resting, loading, and unloading, and to see that all live stock in transit was unloaded, fed, watered, and rested at intervals of twenty-eight hours. Many of these transportation companies, having established such yards at great expense, took advantage of their statutory duty to see that the stock was fed, watered, and rested by charging most exorbitant fees for so doing, and as the law gave them a lien on the stock for their fees, the shippers suffered what they claimed was extortion.

Five years after the enactment of these transportation laws this association was organized largely for the purpose of preventing the suffering of live stock while in transit, and thereby not only ameliorating such suffering, but also procuring the delivery to our markets of animal food free from disease certain to be caused by long delays, privations, and suffering while in transit.

Among the first things done by this association was the offering of a prize of \$5,000 to the inventor of the best car for the transportation of live stock, which, in its equipment, would, while in transit, without unloading, furnish the water, food, and rest provided for in the law. The result of offering this prize was that a great many models were furnished, out of which has grown the thousands of large, comfortable railway stock cars, providing for watering, resting, and feeding stock, now found on various railroads.

Of the general use and efficiency of these stock cars, the National Live Stock Association, composed of producers and shippers of live stock in the United States, and the petitioners for the extension of the time of the confinement of stock while in transit, believed to be the largest institution of its kind, considered financially or numerically, in the world, in a communication addressed to his honor, James Wilson, Secretary United States Department of Agriculture, on the 16th day of January, 1898, in reference to the above transportation statutes, made use of the following language, viz:

"The law was enacted to meet conditions prevalent when common stock cars were in use, which precluded the feeding of cattle in cars while in transit; whereas, since the introduction and general use of palace stock cars, the cattle are fed in the cars from racks provided for that purpose, with equal, if not better results than if fed in pens provided by the transportation companies. These palace stock cars are provided with water troughs to water cattle in the cars, and while we recognize it to be a fact that the use of these troughs for watering cattle in the cars is the exception and not the rule, they are nevertheless ample for the purpose designed, and are not used to a greater extent because humanity does not require or demand it; were it otherwise, self-interest upon the part of the owners of the cattle would assert itself and insist that the cattle be watered at more frequent intervals."

Notwithstanding the supply and efficiency of these stock cars, and their extensive use, they have never been universally accepted, and especially is this true in the far West where the distance to market is great. The reason assigned for not using them, given by the said National Live Stock Association in its communication to Secretary Wilson, above quoted, is as follows:

"The general use of palace cars, with improved transportation facilities, has been so universally recognized to have removed any conditions heretofore existing, which might have justified a literal observation or enforcement of section 4386, that for some years past the law has been allowed to become practically obsolete from its own incumbrance; but for some unknown reason, and just when range cattle were arriving at market destination in better condition than ever before, and bringing correspondingly better prices than for years past, the presumed inhumanity attached to the methods of transportation have been attacked, with new and more rigorous vigor than ever, in consequence of which the range-cattle interest of Texas is suffering very material injury."

In the twenty-eight years of its existence, during which it has almost annually made its protest against enlarging the hours of confinement of stock in cars without food, water, and rest, this association has never known of a time when live stock could be transported in the old-fashioned freight cars, without

regard to the provisions of the statute for their unloading, feeding, watering, and resting, without the greatest cruelty and injury, and the claim in the above quotation that the law has not been enforced or has become obsolete, because there was no cruelty or inhumanity in such transportation, is not true. The reason the law has become substantially a dead letter and remained so west of the Mississippi until the last two years, during which the Agricultural Department of the Government, in the interest of humanity and good health, has commenced more than 1,200 cases for its violation, and a large number of the violators have pleaded guilty and paid the penalty assessed against them, is believed by this association to be because of exorbitant charges made by transportation companies for unloading, feeding, watering, etc., at their cattle yards, and like exorbitant charges for handling improved stock cars by companies owning them, which by many shippers has been deemed prohibitive of their use.

The last petition of the National Live Stock Association to Congress, asking the extension of time of confinement in transit, was presented to the House and the amendment passed by that honorable body within a few days of its organization. It is printed in full on pages 44 and 45 of the records of the National Live Stock Association for the year 1902, and can be found in the Congressional Library. The amendment reached the Senate committee. It met the fate of all past attempts to extend the time for the confinement of live stock without food, water, or rest. The reasons assigned in that petition for the extension of the statutory time, briefly stated, are as follows:

First. The great majority of stock moving to market is within thirty-six hours' ride of the market; hence the handling of this large majority is not affected by the proposed amendment.

Second. The only live stock to be affected by the proposed amendment will be that on the ranges of Texas, the West, and Northwest.

Third. The stock requiring more than twenty-eight hours for transportation is undomesticated.

Fourth. It is wild, and, while more or less accustomed to man, resents his control. Its loading and unloading is accompanied with much rough handling, which in many cases is inhuman.

Fifth. It ranges far from water and rarely drinks more than once a day, and frequently is away from water two or three days.

Sixth. It is no hardship for it to do without water for a much longer period than twenty-eight hours.

Seventh. The pens for resting along transportation routes are not inviting, and their condition often such that to place them therein would be inhumanity personified. The pens are new to them, and they wear and tire themselves out far more than if allowed to remain in the cars.

Eighth. Cattle accustom themselves to rest while standing, so that to retain them in cars occasionally for from forty to forty-eight hours would not be inhuman. Under an uncomfortable condition of yards, and loading and unloading, it is better to permit them to remain in the cars a few additional hours.

Ninth. The transportation companies are not now prepared to feed, water, and rest cattle at stated intervals, consequently they are often unloaded at shorter intervals than the law provides, when it would be better and more merciful to carry them to their destination, even if it required a few hours more.

Tenth. The prevalent theory that owners permit stock to suffer for water for the purpose of a stuffing process by way of a fill at market destination is contrary to good judgment and common sense. It is contrary to the owners' interests.

Eleventh. We realize there is a limit at which endurance may be overtaxed, and suffering and inhumanity results, but it is not inside of forty-eight hours.

Now, it will be noticed that in the foregoing petition no complaint is made against the efficiency or supply of the modern transportation cars, nor is any reason given why such cars should not be used in transporting range cattle from points in southern Texas, and the north and northwest, more than twenty-eight hours from market. If it is brutal and cruel to unload them for food, water, and rest, and reload them again at railway stock yards, why not ship them in cars already provided with food, water, and means of rest? The law provides that if so shipped they need not be so unloaded. By their own confession we know such cars are abundant and their efficiency complete. If so, there is no necessity for unloading them in strange, filthy, and uncomfortable pens, or of subjecting them to cruelty in such loading and unloading. They can be shipped through to their destination without brutality, worry, or suffering.

Confinement in cars without food, water, or rest for more than twenty-eight hours was declared by Congress more than thirty years ago by the passage of this act to be actionable cruelty. This was when neither cattle yards nor cars furnishing water, food, and rest existed; when two-thirds of the cattle product of the country was wild and hard to handle. Now that 90 per cent of the whole product of the country is domesticated, cattle yards established on all interstate railroads, and thousands of comfortable cattle cars with facilities for feeding, watering, and resting while in transit are at hand, why should Congress go backward and do what its predecessors refused to do more than thirty years ago? If it was then cruel to live stock to confine it more than twenty-eight hours without food, water, and rest; if such confinement then resulted in injury to the public health, is it less cruel or less injurious to public health now? By asking that the amendment be made to apply only to "range cattle" they admit that its provisions should apply to all domesticated cattle, and as we have shown that nearly all cattle, by the process of breeding, have become domesticated, there is certainly no good reason why the law should now be changed. Let the Secretary of Agriculture proceed with his good work. Compel the transportation companies to obey the law, or compel shippers to provide food, water, and rest while in transit, and the old habits of prodding and cruelty will disappear, humanity will be honored and promoted, and the good health of the Commonwealth secured.

This association for twenty-seven years has been resisting the demand for the extension of the twenty-eight-hour limit. It has continued from the beginning to look conscientiously into the necessity, desirability, and justice of such demand. It has invited the National Live Stock Association to come before it at its annual meetings and present its reasons for asking and urging such extension. It has availed itself of such invitation and sent its ablest members, and they have had full and patient hearing, and all their requests have been most carefully considered. This association has, at its own expense, sent experienced experts in breeding, handling, and shipping live stock into the great South, West, and Northwest, and procured data upon all questions involved, and, after full consideration, has come to the conclusion that no just and adequate reasons exist why this extension should be granted. Its last consideration of the subject was at its last annual meeting, held at Philadelphia, October 10, 11, and 12, 1905, when it was ordered that this statement and protest be presented to Congress.

This association, therefore, in the name of all its constituent societies and their individual memberships, scattered throughout the North, South, East, and West, and in the name and interests of humanity the world over, protests against the extension of the twenty-eight-hour provision of the present statute beyond which live stock may be continuously confined while in transit without food, water, and rest.

And we pray that every member of the honorable Senate and House of Representatives, before he votes upon such a proposition, will not only carefully consider this paper, but otherwise fully satisfy himself of the necessity, humanity, justice, and wisdom of such a measure.

Respectfully submitted.

WILLIAM O. STILLMAN, *President*,
Albany, N. Y.

JAMES M. BROWN,
Chairman Committee on Legislation,
Toledo, Ohio.

THE AMERICAN HUMANE ASSOCIATION,
Albany, N. Y., February 17, 1906.

DEAR SIR: I am just in receipt of a letter from a New York State representative in which he states that a member of the House Interstate and Foreign Commerce Committee informs him that The American Humane Association, as representing the anticruelty opposition to House bills 47, 145, 440, etc., has not indicated the action which it believes should be taken in regard to this legislation. I think that the point has been well taken. The following is submitted as showing what the humane societies consider is the proper solution of the questions involved:

It seems that the parties to this stock-transportation discussion on both sides are practically agreed in the statement that grave cruelties exist, and really do not differ essentially as to the character of the abuses. They differ, however, radically as to the method of cure.

The friends of these bills demand an extension of the twenty-eight-hour law in order to arrive at their market early (without stopping for food and rest), as they could, in many cases, by continuing a few hours longer, claiming that the abuses arising from unloading and loading, as well as poor stock-yards accommodations, are worse than the longer continuous ride.

The friends of the animals, on the contrary, consider that twenty-eight hours is long enough time for animals to go without food, drink, or rest, and believe that the time should be shortened rather than lengthened. They are unalterably opposed to any extension of the twenty-eight-hour limit, believing that it will lead to demands for further time extensions in the future and that the only complete and finally satisfactory cure for abuses in transportation of live stock is having the cattle slaughtered near the ranges and transported in refrigerator cars. We are conscious that the time is not yet ripe for this, but believe that it must ultimately come to this solution, as it will be best both for the cattle and the food supply. To extend the twenty-eight-hour limit would be to put off the day for that final settlement of the question.

We believe that the same result as that desired by the friends of these bills can be accomplished in a more humane and satisfactory way. What the friends of the animals, as represented by The American Humane Association, believe should be done is that the live-stock trains should be given right of way over dead freight under all circumstances, and that the speed of the live-stock trains should be practically doubled. We believe that a minimum of 18 or 20 miles per hour during the entire twenty-eight hours should be established by law. This would result in covering about 500 miles, which is a reasonable demand. At present it seems to us, according to the best information which we can get, that live-stock trains are not making on an average more than 250 miles in the twenty-eight hours, much of the time being spent on side tracks. By this plan stock will reach market with only one loading as surely as under an extension to thirty-six or forty hours, without attendant starvation, exhaustion, suffering, and deaths of thousands of cattle which would be caused by this increase of time. As is well known, scores of thousands of cattle are already sacrificed, maimed, and killed under present conditions, and we believe that the number would be vastly increased by adding eight or twelve hours to the existing time limit.

As it is, some shippers state that their cattle lose 200 pounds in getting to market. Cattle are accustomed to eat a good share of the time and chew the cud a good deal of the rest of the time. Aside from the bewilderment and terror of being densely packed in crowded cars and subjected to most unusual terrorizing sounds and conditions, the physical exhaustion of keeping cattle on their feet continuously on a moving train under these conditions, without food or drink, from thirty-six to forty hours, is almost inconceivable and is certainly frightfully cruel.

In addition to doubled speed and right of way for live-stock trains, the humane societies believe that there should be—

First. A radical reform in stock-yards conditions, so that they may be made comfortable and sanitary, affording protection from the weather, and be made reasonably free from filth and mire.

Second. That shippers should have the privilege of electing to feed their own stock, in order to prevent extortionate charges on the part of the transportation companies, which charges can now be enforced as liens.

Third. That there should be a Federal inspector in these stock yards, which should be located pursuant to law, after consultation with the Federal authorities, and that it should be the duty of these inspectors not alone to see that the general provisions of the law are complied with, but also that the grave cruelties practiced in unloading and loading should be stopped.

Fourth. That in case five hours is not a sufficient time for cattle to rest and take a proper amount of food and water and recover somewhat from the stiffness of their previous transportation, that this period of time should be specifically extended.

Fifth. That where shippers and transportation companies do not observe the twenty-eight-hour limit that really improved stock cars of designs to be approved by the Secretary of Agriculture shall be used. We have reason to believe

that many of the so-called palace cars in use in the West at the present time, and so labeled on the outside, are nothing but common, ordinary stock cars of the poorest description.

The foregoing represents our views to date on this transportation question.

It is frequently said that the right of property is sufficient to cause persons to take proper care of beasts which they own. The entire history of the anticruelty movement disproves this statement. There never has occurred an instance in which an anticruelty law has been enacted correcting even the most repulsive cruelty where the creation of such a law originated with or was materially assisted by the owners of the animals involved. The whole history of our humane crusade during nearly one hundred years has been that of warfare waged against owners who were neglecting or abusing their property. Self-interest has never proved sufficient to save the suffering beast from its possessor when careless of its comfort or cruelly disposed. * * *

Thanking you for the constant courtesy and attention which you have given us, and feeling sure that Congress will do what is wise and just in this matter, as it has in the past, I am,

Faithfully, yours,

M. O. STILLMAN,
President, etc.

HON. JAMES R. MANN,

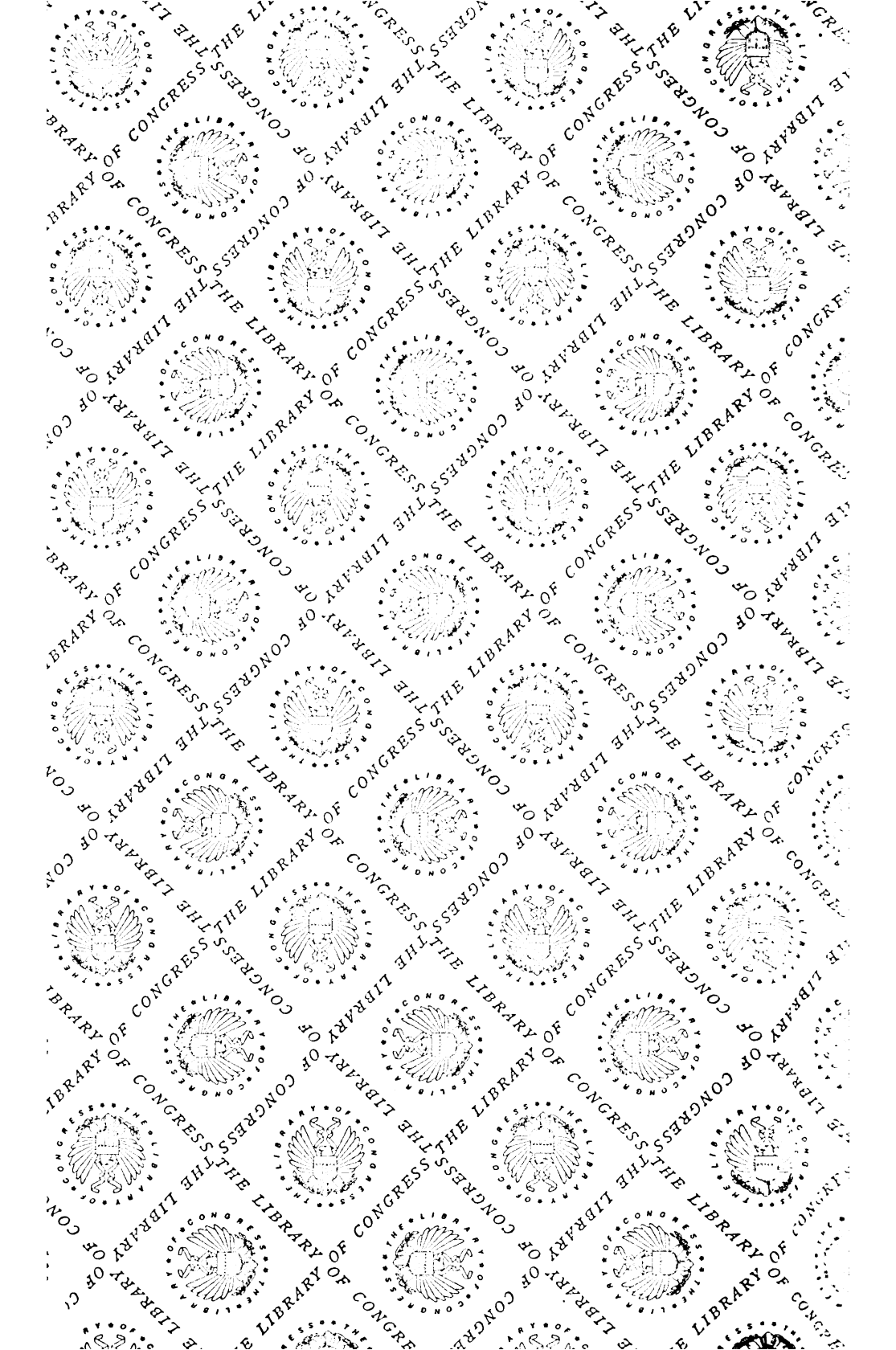
*Member Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

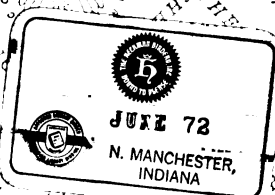
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